No. 81-202

Office - Supreme Court, U.S.
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ALEXANDER L. STEVAS,
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1981

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *et al.*,
Petitioners,

v.

CLAIBORNE HARDWARE COMPANY, *et al.*,
Respondents.

On Writ of Certiorari to the Supreme Court of Mississippi

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED JULY 31, 1981
CERTIORARI GRANTED NOVEMBER 9, 1981

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IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

No. 78,353

CLAIBORNE HARDWARE COMPANY, *et al.*
Complainants

vs.

THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *et al.*
Defendants

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CLERK'S NOTE: Actual trial of this cause—as shown by Reporters' Transcript above—began June 11, 1973, and continued, at various times as outlined therein, until actual completion on March 12, 1974. Numerous pleadings were filed during said times. However, for purpose of clarification and continuity, the Transcript is included herein—without a break—and the balance of pleadings, as indexed below, are inserted in the record FOLLOWING CLOSE OF TRIAL. Filing date of each is indicated herein.

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[SUPREME COURT OF MISSISSIPPI]

[No. 51,488]

[Title Omitted]

[EXCERPTED DOCKET ENTRIES]

DATE	Filings—Proceedings
1979	
June 8	Motion and brief for leave to file brief for appellants exceeding 50 pages but not to exceed one hundred fifty pages
June 20	Motion for leave to file brief for appellants exceeding fifty pages but not to exceed one hundred fifty pages overruled
August 29	Brief of appellants, assignment of errors, statement of case
September 17	Motion to strike brief of appellants NAACP, etc., bf. in support
September 21	Answer & memo brief of NAACP and individual appellants in opposition to motion to strike
October 3	Motion to strike brief of appellants NAACP & all individual appellants overruled
1980	
January 11	Appellees' motion of brief for leave to file brief exceeding fifty pages
January 16	Brief and opposition of appellant NAACP and individual appellants to appellee's motion for leave to file brief exceeding fifty pages
January 25	On order dated 1/25/80 by Neville Patterson the motion of appellees for permission to file brief(s) not exceeding 100 pages in length is sustained . . . and the appellants' briefs will not be stricken for excessive pages and all

DATE	Filings—Proceedings
1980	
	appellants shall be permitted to file reply briefs which when combined with the total number of pages filed in the briefs in chief will not exceed a total of 100 pages in length for all appellants
February 15	Brief of appellee[s], statement of case
April 10	Rebuttal brief [of appellants]
August 15	Motion for time for oral argument of appellant, NAACP, et al.
August 18	Response to motion for enlargement of time for oral arg.
August 25	Motion for time for oral argument sustained one hour for appellant & one hour for appellee to be allowed
September 4	Argued and submitted
December 10	Opinion; affirmed in part & reversed and rendered in part on liability; reversed & rendered in part on damages; and reversed & remanded in part on damages
December 19	Petition for rehearing due on January 24, 1981 by court
1981	
January 23	Petition & brief for rehearing [of appellees]
January 23	Petition for rehearing & brief [of appellants]
March 4	Appellants' petition for rehearing denied, Appellees' petition for rehearing denied
October 14	Order amending judgment
November 13	Order from U.S. Supreme Court allowing certiorari

DATE	Filings—Proceedings
1981	
December 14	U.S. Supreme Court called Mr. Womack for original record. Called Spencer Gilbert for suggestion as to how transportation should be made & also as to method of payment of transportation fees. He advised that the record should be sent by Federal Express & that he would assume responsibility of direct payment to Federal Express. 85 vols. of record in 6 boxes picked up by Federal Express

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LEFT vs. RIGHT	RIGHTS vs. LEFT
RED vs. BLUE	BLUE vs. RED
LABOR vs. MANAGEMENT	(No Training)
NORTH vs. SOUTH	SOUTH vs. NORTH

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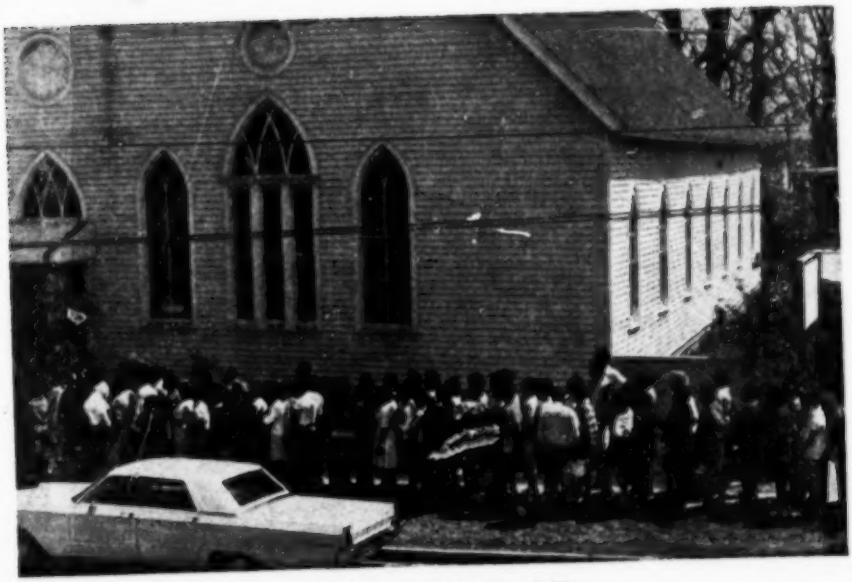
Exhibit C-7-5 (R. 947)

Exhibit C-7-6 (R. 947)

Exhibit C-7-8 (R. 948)

Exhibit C-7-10 (R. 949)

Exhibit C-7-20 (R. 952)



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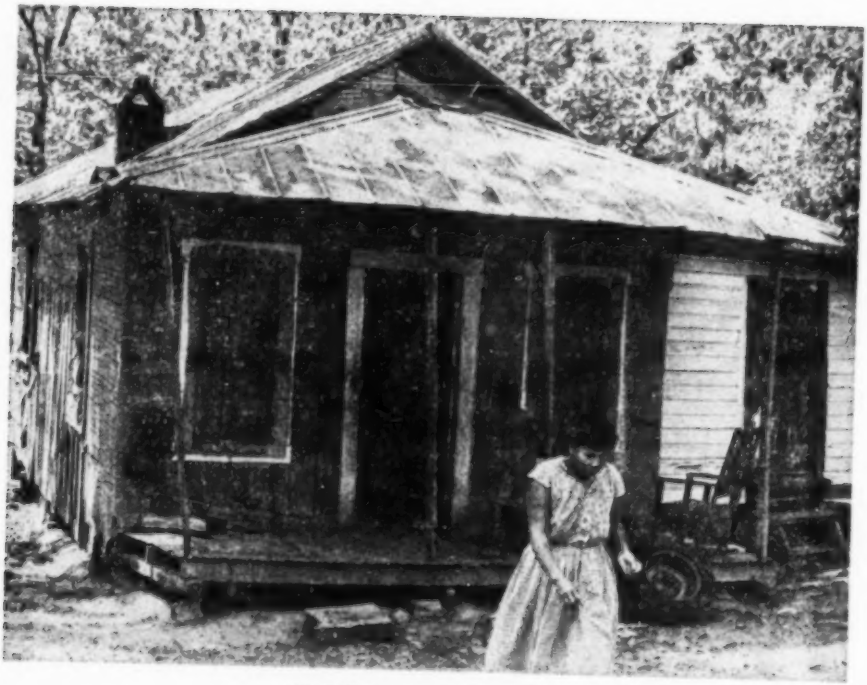

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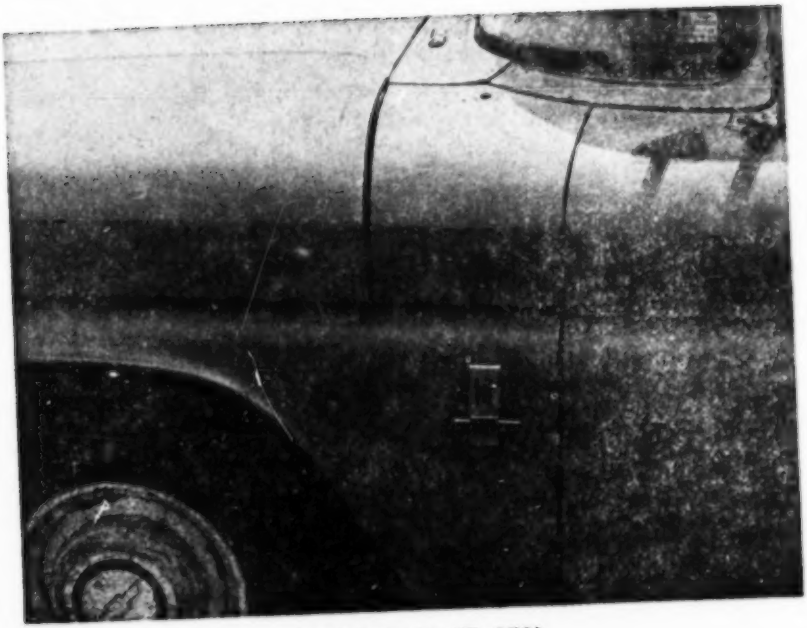

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Exhibit C-8-8 (R. 962)

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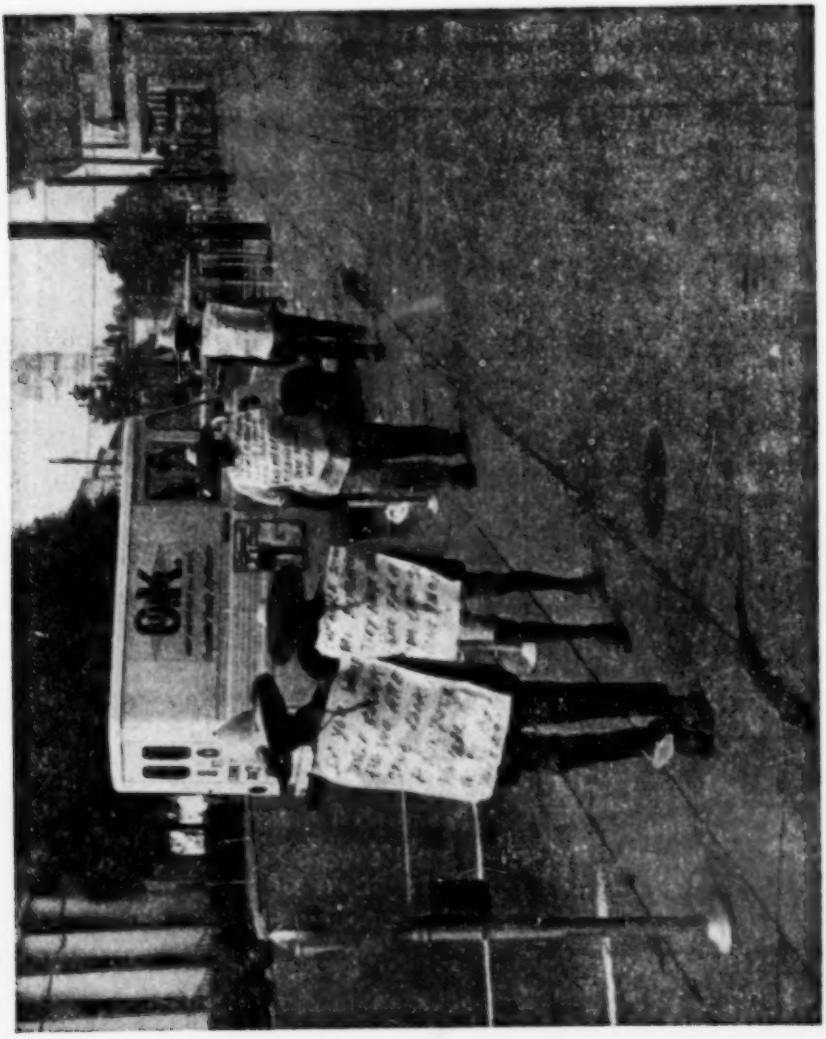

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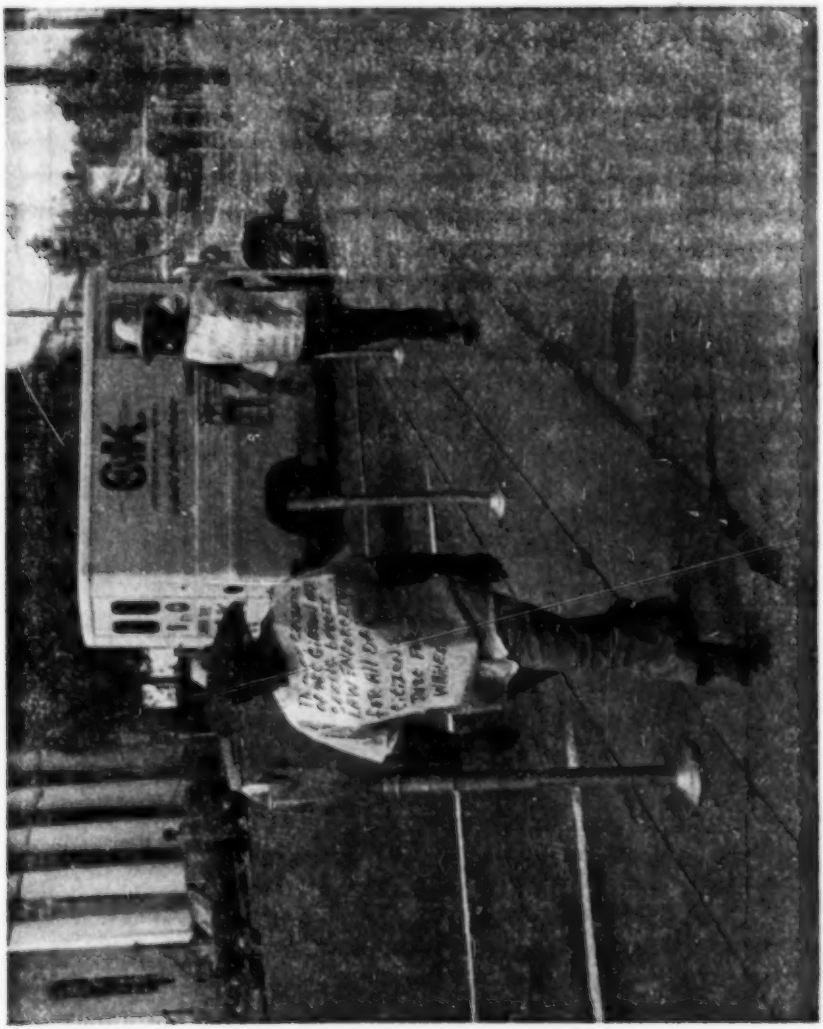

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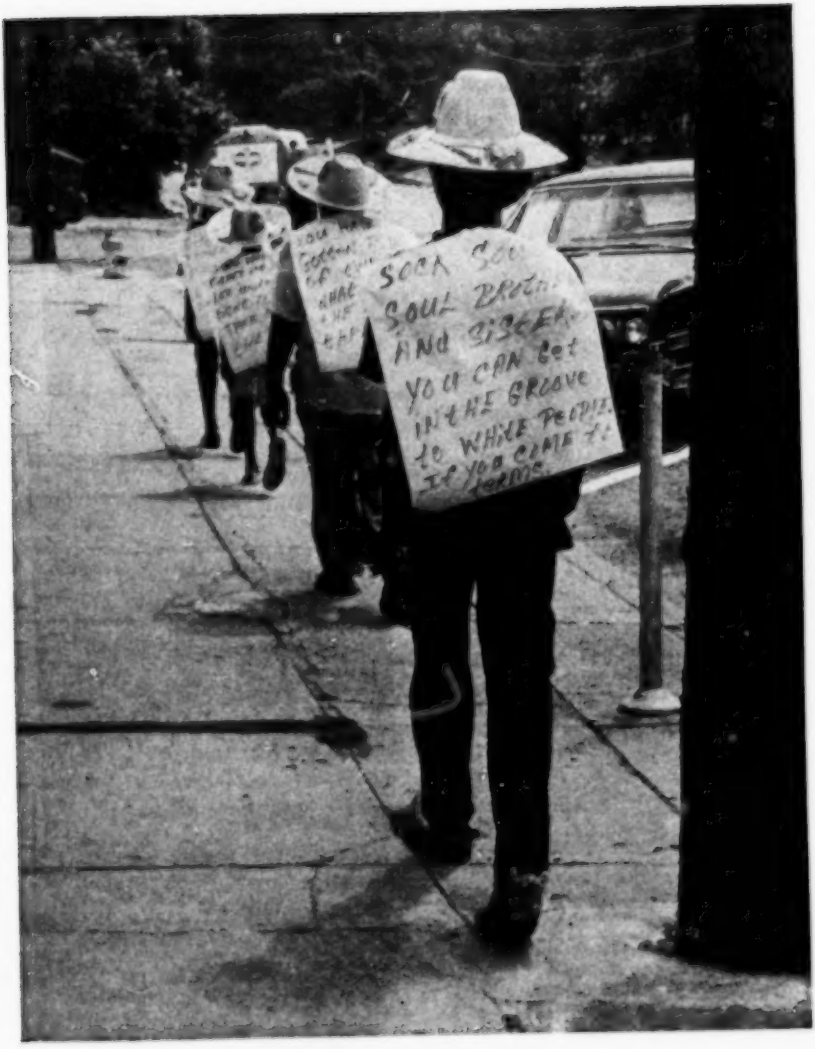

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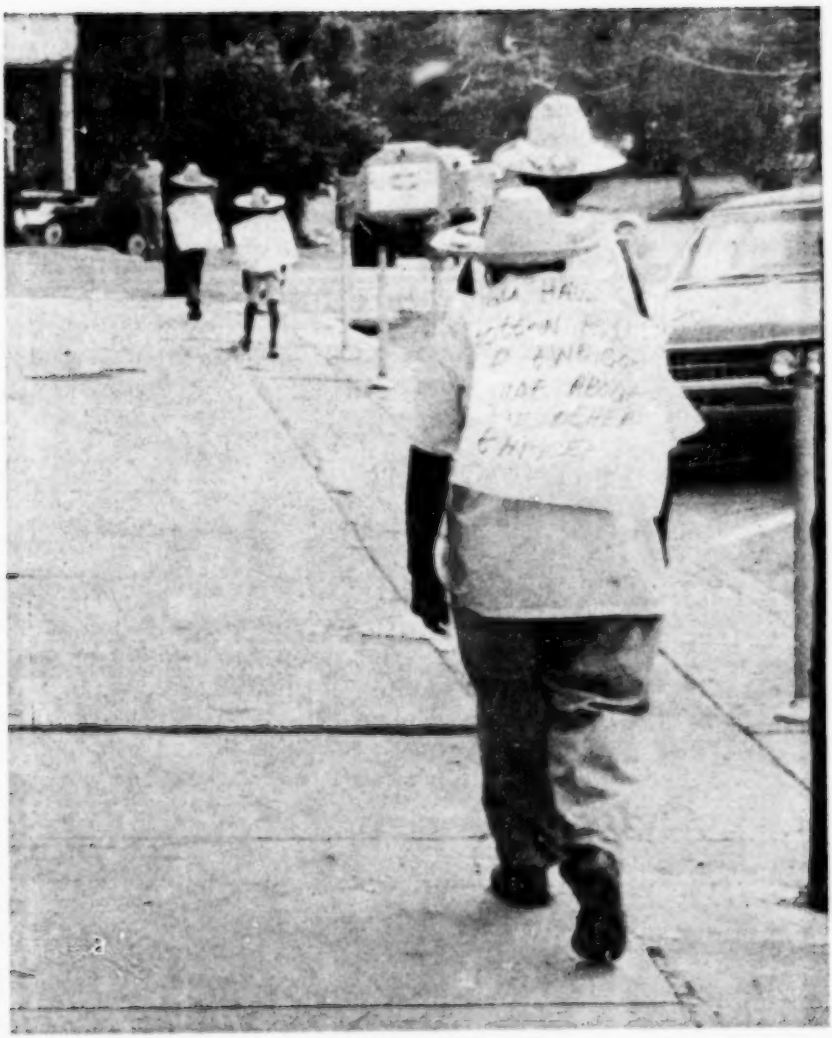

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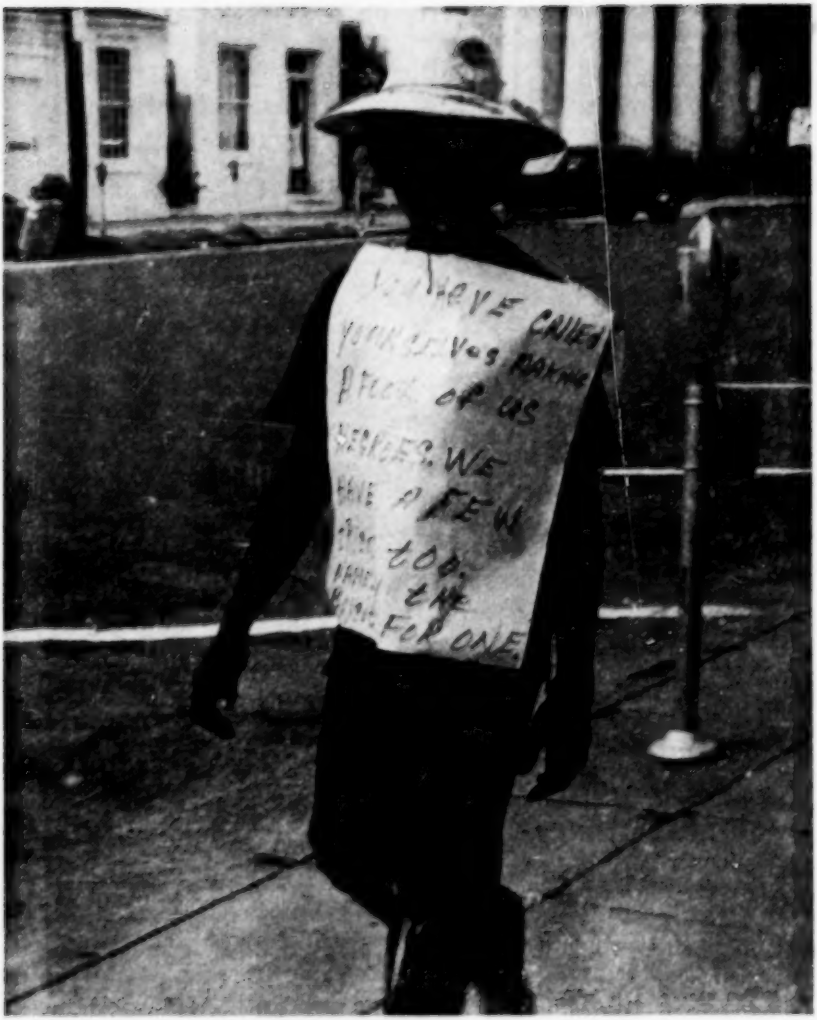

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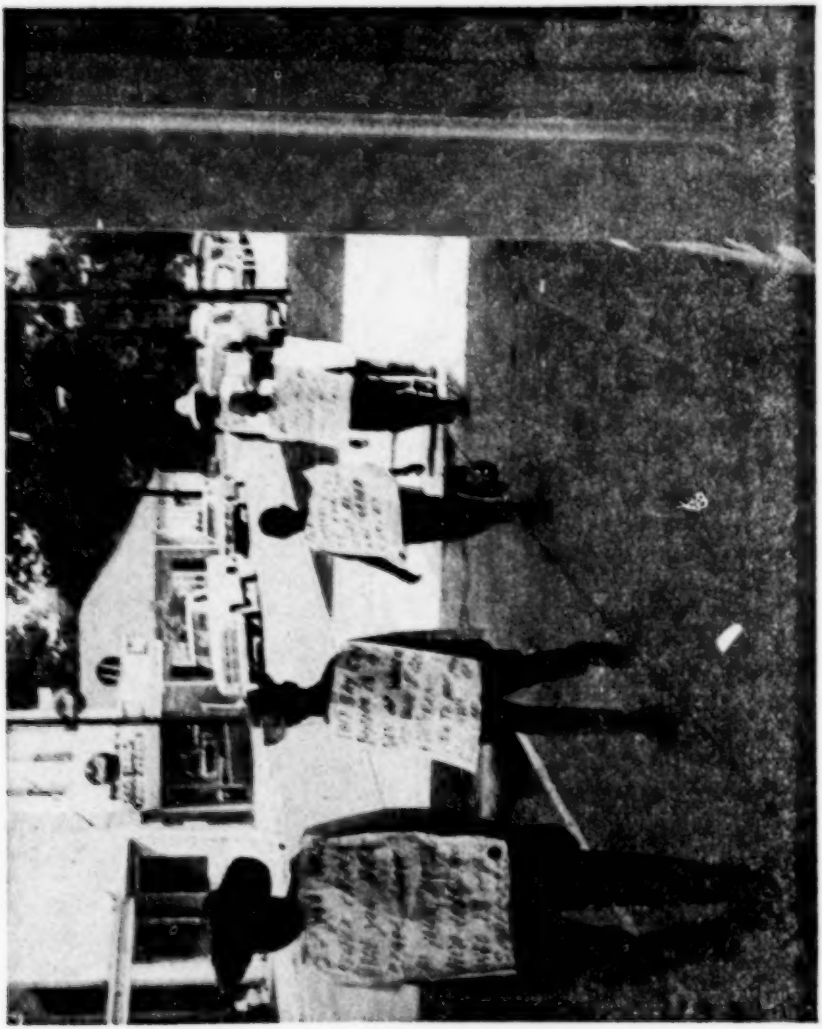

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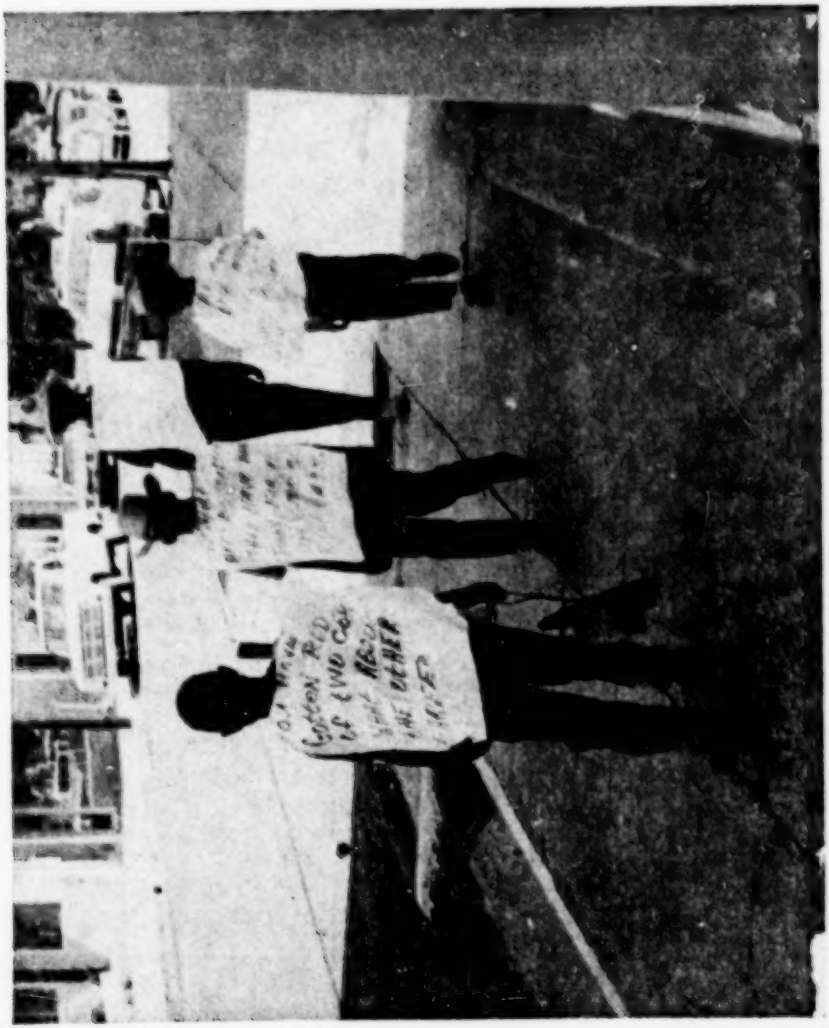

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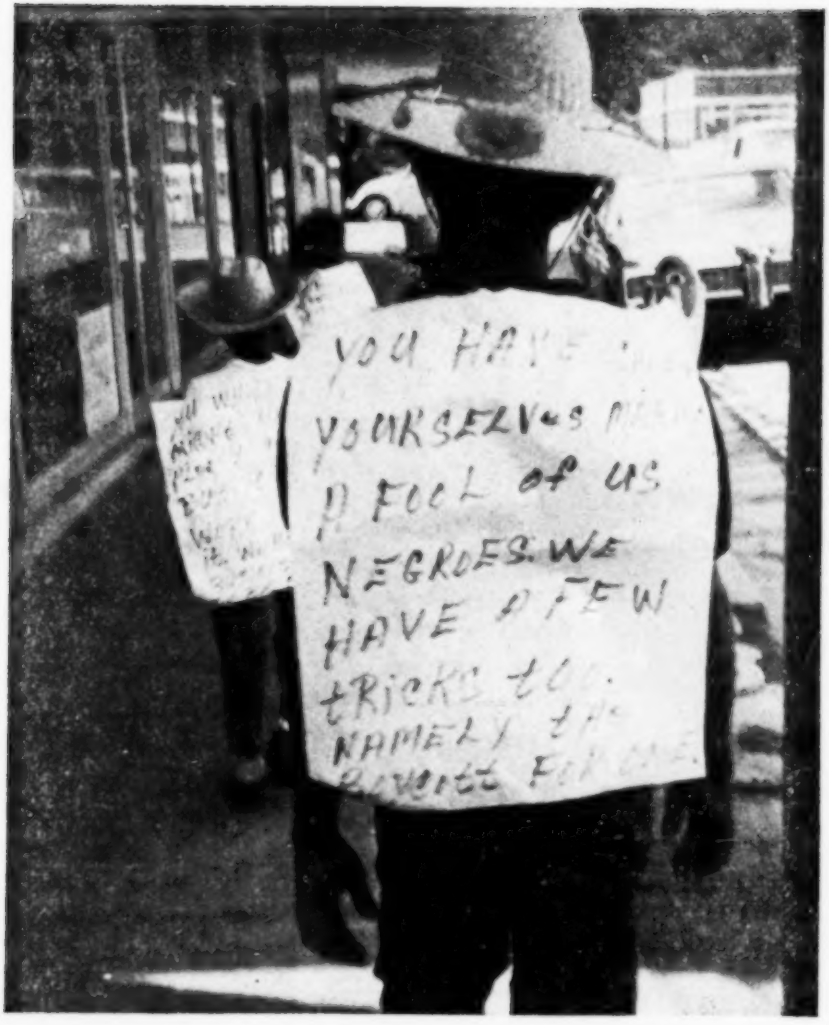

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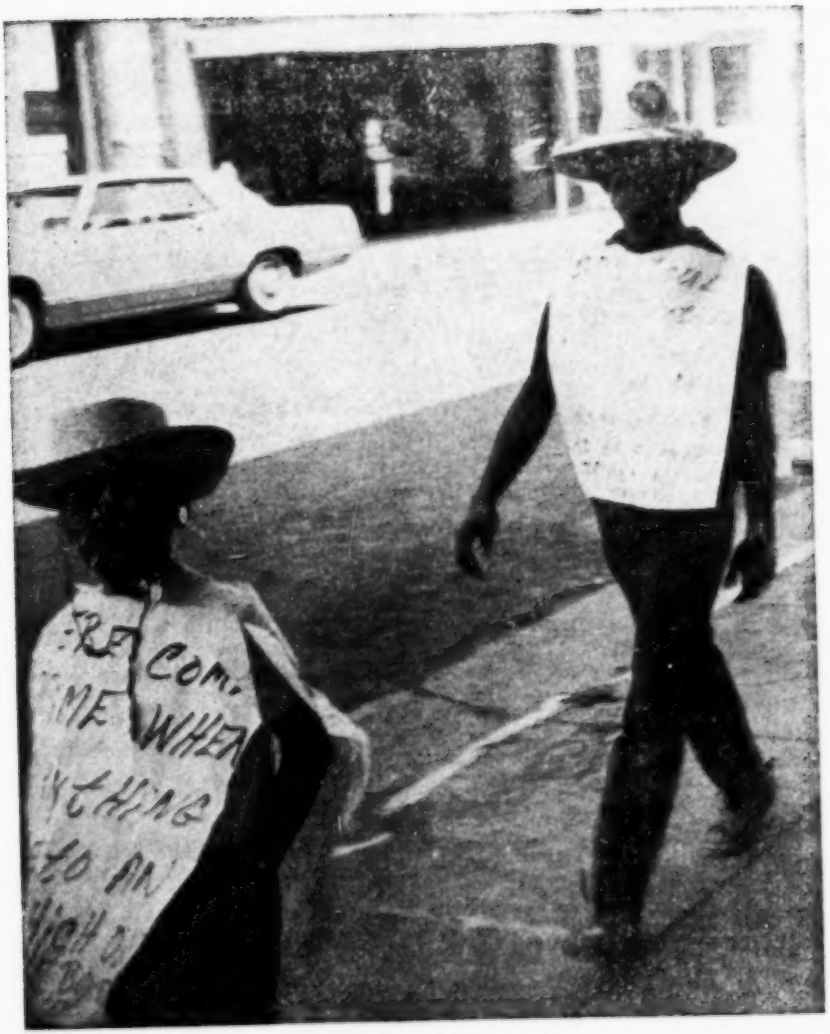

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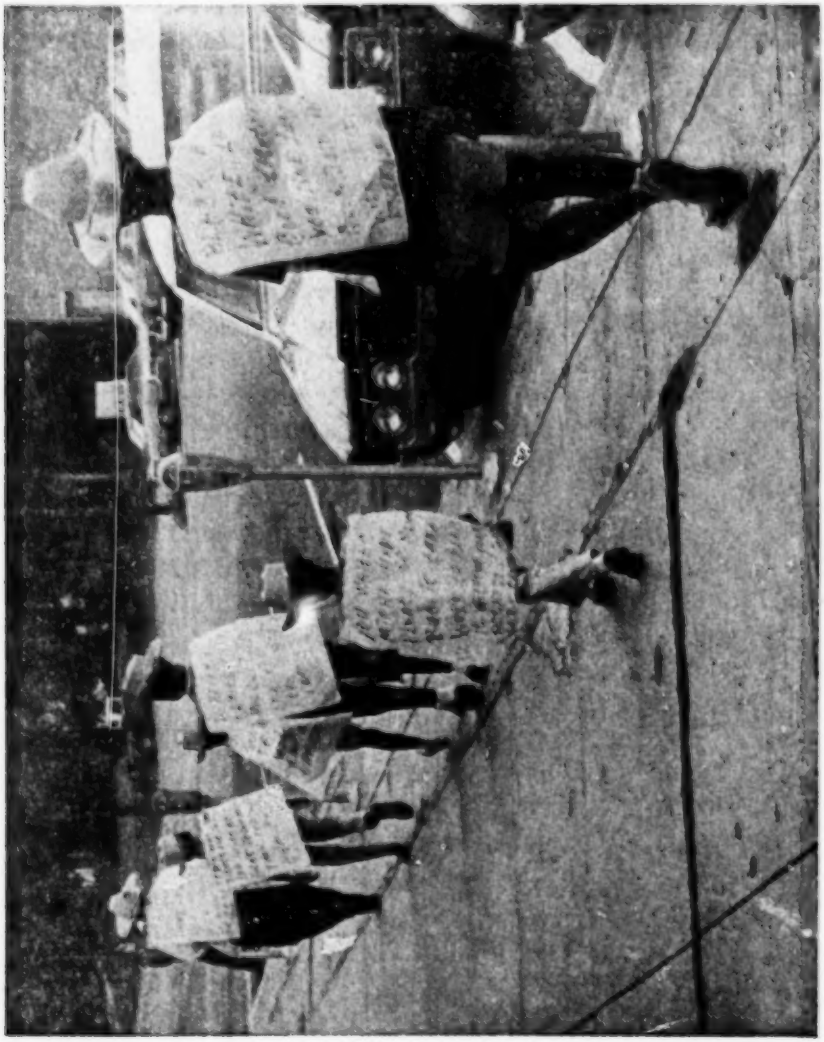

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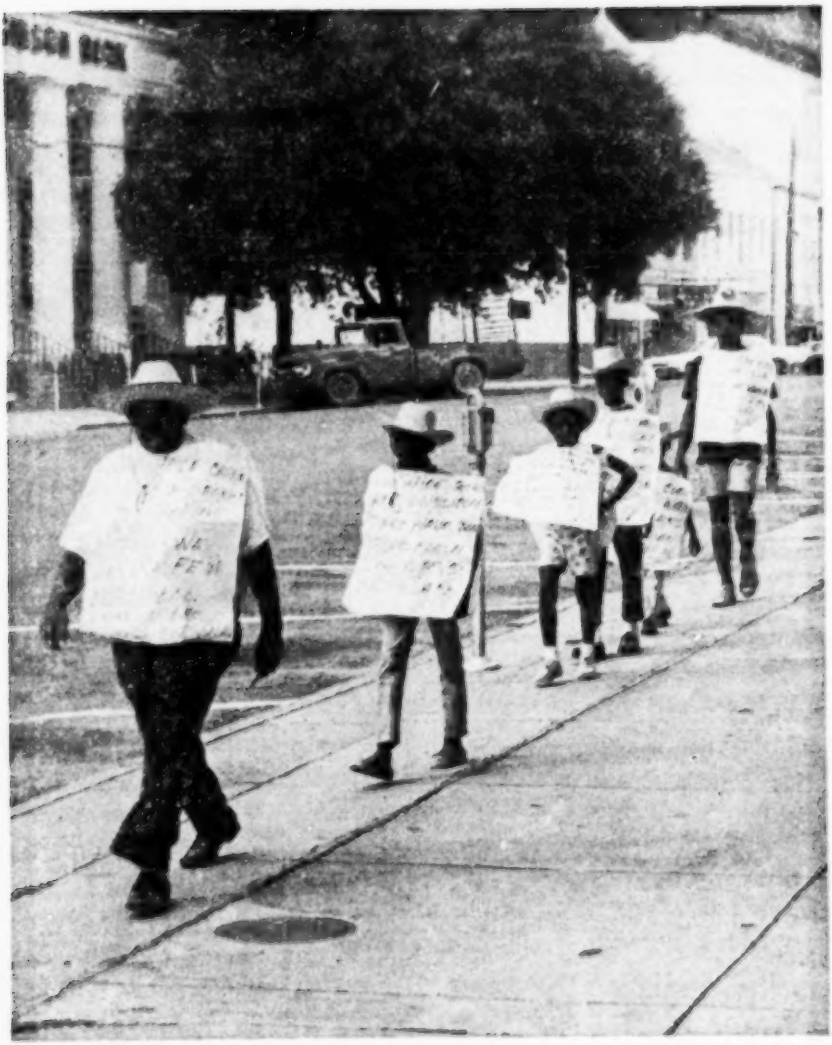

Exhibit C-11-4 (R. 986)

Exhibit C-12-1 (R. 989)

Exhibit C-12-2 (R. 989)

Exhibit C-12-7 (R. 992)

Exhibit C-17-1 (R. 1052)

Exhibit C-17-2 (R. 1052)

Exhibit C-17-3 (R. 1053)

[EXCERPTS OF TRIAL TRANSCRIPT]

[CHANCERY COURT OF THE
FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI]

[No. 78,353]

[Title Omitted]

[Witness James Hudson]

[DIRECT EXAMINATION]

[636] Q All right, let's find out what happened on April 1, 1966, with reference to this matter.

* * * *

[638] Q Did you hear Mr. Evers' speech?

A Quite a bit of it, yes, sir.

Q Can you tell the Court the gist of what he said in this speech?

A Of course, he called names. He called store names. He called individual names. The gist of it was, he told—

BY MR. ROYALS:

I object to him interpreting the speech. He can tell what he said.

BY THE COURT:

I don't think he could be called on to give a verbatim report of what Mr. Evers said, but I do think that he can testify as to his recollection of what Mr. Evers said. And I'm going to continue to let him so to do.

Q Go ahead.

A The main thing, of course, that concerned me and others was that he called for a complete boycott of all white merchants in Port Gibson, starting at one o'clock

that day, or thereafter. The speech was around one o'clock. And he called Piggly-Wiggly's name. He said, "You've seen us march now. It'll be a long time before you see us again back in your store." He said that any black person going in or patronizing one of the stores would be responsible to him. [639] He called quite a few names, as I said before.

Q Well, tell us the names that you can recall that he mentioned.

A He mentioned the big, fat, bald-headed sheriff of Claiborne County, Dan McCay. I know he mentioned M & M Super Stores' name. Jitney Jungle was a name he called.

Q What, if anything, did he say would happen to the black people who patronized these stores?

A At that particular speech, no, sir, he just told them not to go in and that they would have people there that—I believe he did say—he did say at that meeting that he would have people there watching and they would be reported at their meeting which they were having every Tuesday night if anyone went in and patronized one of the white stores.

* * * *

[647] A About six-thirty I was up at the front of the store getting the money out of the register; there were no other customers in the store at that time. My brother was working in the meat market. I was up front getting the money—I was taking money out of the cash register to lock up for the night. The front door was still open. No customers coming in. Ernest Darden, whom I've known for years—at that time I guess he was about 35 or 40 years old—and drove a truck, he came in the door and said, "Mr. James, will you cash my check?" I don't remember who he was working for at that [648] particular time. I said, "Sure." He said, "My wife is coming in to get the groceries. I'm glad I caught you. You were fixing to close." I said, "Yes, we usually close around seven o'clock." So, he said, "Will you cash my

check?" I said, "Sure." I had the cash register open and I cashed his check for, to the best of my recollection, around $64.00. And he and I both heard a commotion. We were right in the front door, which is about—the first checking stand is about five feet from the front plate glass window, which is about three and a half feet off of the curb, the sidewalk and then the curb. And he parked right in my front door there which is—his car. And he looked up and I looked up when we saw a commotion, and we looked out and his car was surrounded by Negro people; men and boys. So he said, "What's going on out there?"

Q Was there anyone sitting in his car?

A His wife and several other people, children and other people. I don't remember—the street lights were on but it was dark. But his wife was sitting on opposite the driver's side on the front seat. He had gotten out of the door on the driver's side because I saw him when he pulled up right in the door. I was standing there and I looked up. He opened the door and got out and came right in. This group came from across the street because they were still coming and milling around his car when he and I got out there.

Q What was across the street?

A There's a colored cafe called Killian Place, K-i-l-l-i-a-n, Killian Cafe. That's what it's referred to as. I don't know whether that's the official name or not.

Q Can you give us about the number of black people [649] that you saw coming from the cafe across the street and surrounding the car?

A Well, I would say at least 50. It was an area about as large from here inside these walls that were solid around the car and had the street blocked.

Q Can you give us an estimate about the distance from wall to wall in the courtroom?

A Forty feet. The street is about fifty feet wide, and they were more or less solid from curb to curb and around it.

Q Were they saying anything?

A Let's see—Calvin Williams, I believe he was the spokesman, he walked up and told—Ernest Darden, when he looked up and saw them, said, "What's going on? Let me go to the car and get my gun." Those were the words of Ernest Darden. I said, "No, Ernest." I said, "You may have been out of town working. They have a boycott on and they are not allowing the colored people to come in our stores." And he said, "I'll trade where I damn please. And I'm going out to the car and get my gun. My wife is coming in to buy groceries." So, Calvin Williams, when he went to the door, was standing at the driver's side, and he told him, said, "You can't go in there and buy groceries."

Q Did you hear this?

A Yes, sir. I followed him right to the front of his bumper of his car. And at the same time, coming across from the courthouse, which is about 150 or 175 feet, immediately northwest of my store, across the street is the courthouse, Sheriff Dan McCay, Chief of Police Doyle, several Highway [650] Patrolmen, who I did not know by name, and several auxiliary policemen came across when they saw the street was blocked and the people gathered around the car. They came up—

Q Who blocked the street?

A This crowd of colored people that came from the side of the cafe and were standing out. Of course, the cars stopped; weren't too many cars moving in Port Gibson at that time of night. The police and Highway Patrol and Sheriff Dan McCay came across the street. They were, I assume, about in front of the courthouse. Anyway, they came out about the time I got out there. They had seen them gathering and were coming across.

Q Was there any noise?

A They were not real noisy but talking like a crowd will do. But when I walked out, Calvin Williams was talking through the door to Ernest Darden's wife. He told her, "You can't go in." She said, "I'm fixing to go

get groceries." Whether or not she had gotten out of the car and gotten back in I'm not real sure. So, when Ernest came up they got to arguing, pushing a little bit, not too much. About that time the sheriff and his deputy came up. My pickup was parked in front of the store. Ernest's was parked in front of the door. The store is about forty feet wide. He was parked in a parking place right in front of the double doors on the front side. My pickup was parked in the parking place about forty feet in the last parking place in front of the store; about twenty to forty feet apart. The sheriff and the Highway Patrolmen and all the policemen came in and stood, or leaned right against my side of the pickup, which was about 20 or 30 feet from his car.

[651] Q Tell us what Calvin Williams said to Ernest Darden?

A He said, "That store is boycotted. You can't go in there. You can't buy groceries in there." And Ernest said, "I'll buy groceries where I damn please. It's my money and I'll buy them here if I want to." So I spoke up and I said, "Ernest, I don't want to get you into trouble. You are welcome to come in the store. The door is open." I said, "The sheriff is here. Nobody is going to bother you if you want to come in the store. But," I said, "it's left up to you. I'm not telling you what to do." I asked the sheriff, I said, "Is it all right if he goes in the store?" The sheriff told Ernest, said, "Now you can go in that store if you want. I'm not going to interfere with anything. I'll see, if you want to go in that store and shop, I will escort you in and see that you want to."

So that's about all I really can say that I understood. There was milling and talking and at that time some other people in the crowd were talking and hollering, and it got kind of rowdy. And the police kind of got around—

Q What do you mean "kind of rowdy" now?

A Well, I say "rowdy", I didn't actually see anybody hit anybody over the head or shoot anybody or anything.

But that many people right there crowding, pushing and shoving among themselves was a little rowdy. They were talking, yak-yaking back and forth with me and with the police.

Q Let me ask you this now: Did you hear anybody say when the sheriff told him that he would see that they didn't bother him if he wanted to go into the store, did you hear any statement made, say, "Yeah, but the—"

[652] BY MR. BANKS:

Objection, Your Honor, to leading.

BY THE COURT:

You're objecting on what ground?

BY MR. BANKS:

I believe Mr. Pyles is leading the witness.

BY THE COURT:

I think so. You can ask him if he heard anything but you can't put words in the witness' mouth.

A If I heard the words that I can remember or distinguish? Is that what you're asking me?

Q I haven't finished my question. I was trying to ask you if anything was said about whether the man was—

BY MR. BANKS:

I object, Your Honor.

BY MR. CARTER:

Your Honor, he's still trying to get that question out.

BY THE COURT:

You can ask him if anything was said to the sheriff, Mr. Pyles.

Q Well, did anybody make any statement in response to the sheriff's statement that he could go in the store and shop?

A Yes, sir. I cannot identify who made it out of the crowd.

Q I didn't ask you that. I just want to know if you heard anything?

A Yes, sir, I did.

[653] Q All right. What did you hear him say?

BY MR. BANKS:

Object to relevancy, Your Honor, if he can't identify the person who made the statement.

BY THE COURT:

I think that's correct, Mr. Pyles. I will have to sustain the objection unless this person can be identified.

BY MR. PYLES:

May I make my record on it then?

BY THE COURT:

Yes, sir. In other words, are you making an offer of proof here?

BY MR. PYLES:

Yes, sir.

BY THE COURT:

All right, then, you can dictate into the record what this witness would have testified to, but you can't ask the witness.

BY MR. PYLES:

All right. If this witness were allowed to testify, he would state that some black man in the crowd said to the sheriff, when he told him he could go into

the store and no one would bother him, the black man said, "They can't sleep with him tonight," which I take, Your Honor, to be a threat.

BY MR. BANKS:

I object, Your Honor, to his interpretation.

[654] BY THE COURT:

Objection sustained.

* * * * *

[659] Q Was it during the year 1966 that you saw Calvin Williams drilling these people dressed in black hats?

A I believe that the "Black Hats" or the "Deacons for Defense", which we call them both ways, came into being, I believe, after the death of Martin Luther King, which was April of '68. So, I believe it was during the year '68. We had them on the street, these representatives, or whoever, or whatever they were, from the time of the boycott. So I guess they were organized. They used two or three on each corner and two or three in front of each business. Evidently they had some kind of organization from the start. They weren't wearing black hats and straw hats during the first year, I don't believe, of the boycott.

Q When did they start to wear the black hats?

A It was sometime during the year '68.

Q Now with reference to the drilling, describe what [660] was done, how many people were there, and just tell us what went on?

A The particular time that I saw myself standing in my back door looking out from my back door to the back street is about 160 feet, and to the side street, where the parking lot opens on the side street on Fair Street is about 110 feet right out standing right on the back stoop of my store. And I would say there were sixteen or eighteen boys from, say, age sixteen—fifteen to twenty years old—twenty-one maybe or twenty-two.

Q All right. What—

A Well, the particular time I saw them, Calvin Williams was instructing them and they had some rifles. I don't know whether they were real rifles or mock rifles, or something. They had some rifles and this time they had some leggings on. They didn't have hard hats but had a helmet-type thing on like a—I was in the Navy; I don't know what the Army calls them—helmet, I guess.

Q Were they steel or not?

A I do not know. I didn't feel one.

Q Did you hear Calvin Williams say anything to them?

A I could hear him from there say, "Stand at attention and walk like this and that," and I walked back in the store after that. I know of some other conversations about it but I didn't see it.

Q Are you familiar with the term "close order drill"?

A Yes, sir. I was a lieutenant in the Navy, retired.

Q Would you tell us now if there was a type of "close order drill"?

[661] A Yes, sir. I saw them march. I did not hear the exact command he was giving them after they come to attention. They marched—I would call it marching—for 30 to 40 feet back and fourth on a parking lot. I watched them for maybe two or three turns and then, of course, as I said, I went back in the store.

Q How often did you see Calvin Williams drilling this group of people?

A The only time that I remember specifically seeing Calvin with them, I saw him a good many times here on the streets with them, but the only time I remember seeing him was that one time. Then James Whitney was drilling them at the same place, whether it was the same men or not I don't know. I believe the time that I saw James Whitney they didn't have on any leggings but they did have on black straw hats. They were lined up back there once or twice when James Whitney was in

charge of the group, standing out in front and talking to them.

Q What was the color of James Whitney and these "Deacons of Defense", "Black Hats", or whatever you call them?

A All I saw were colored. Negroes.

Q Black?

A Yes, sir.

Q Did you ever see Calvin Williams with this same group of people out there on the streets anywhere in Port Gibson?

A Yes, sir. I believe he marched—I say I believe, I know he marched down the next block—I don't know what number—let's see, be number six. 600 block—he marched down with three or four of the Black Hats. I saw them one time [662] as I was going down the street and they marched, from where I saw, about three-fourths of the block. I say march, they were walking single file, and he was with them.

Q Just go ahead and tell what you know.

A Well, they were walking down the street and they had their guns and Calvin was with them.

BY THE COURT:

Wait just a moment. All right, Mr. Royals.

BY MR. ROYALS:

Your Honor, the dates are very important on these things. I object unless he can say when he saw Calvin Williams with them.

BY THE COURT:

To the best of your recollection, Mr. Hudson, please state about when this was.

A This was during the year '68; that's about as close as I can put it.

BY THE COURT:

All right, sir.

Q What kind of arms did you see them with on the street?

A To me they looked like rifles.

Q Did you ever examine them?

A No, sir. I passed by them, you know, with them on the same sidewalk.

Q Are you familiar with a M-1 rifle having been in the Navy?

A Yes, sir. I've put them together.

Q Were they M-1 rifles?

A Not the Mark 14 I knew, no, sir. Mark 4. I don't [663] know what they were.

Q Describe the rifles to us.

A Well, I'll say the barrel would be about 26 or 28 inches long and had a stock, a wooden stock and a 26 to 28-inch barrel on it. Whether it was an automatic feeding, bolt action or single shot, I'm not sure.

Q What was the composition of the barrel if you could see it?

A Steel.

Q Now when you would see Calvin Williams with these people on the street, what was he doing with them besides just marching them up and down the street?

A Well, —

Q Was he posting them anywhere?

A They would be posted. I didn't see him tell them to stop off on a block. There would be two or three on each block or corner of some of the Black Hats. I didn't see him tell them to stop on a block.

BY MR. BANKS:

We're a little late, Your Honor, but I would like to get Mr. Pyles to stop leading the witness.

BY THE COURT:

All right, Mr. Pyles, let's don't lead the witness.

BY MR. PYLES:

I'll do the best I can, Your Honor. I didn't think I was, but maybe I was.

Q When you would see these particular people standing around on the corner, or wherever they were standing, would they be armed?

[664] A They were at one or two different times, but the police stopped it.

Q Was this all during the year 1968?

A Yes, sir.

Q Now did you ever see these people around anywhere in 1969, 1970, '71 and '72?

A The group that I knew as the Black Hats?

Q Yes.

A Yes, sir, they stayed on the streets up until sometime in 1970 I know because there were several instances. I would say the boycott was fading out in '70 and it was being tried to be put back on, and they were publishing names of stores and things that they were called selective buying then. And they were back on the street. They were back on the street as late as 1970.

Q Now can you identify any of the defendants other than Calvin Williams and this man named Whitney that you were talking about? Did you ever see anybody working with this group?

A In the group and working with them or both?

Q Well, both.

A His name is Shields, I believe it's Rudolph—Rudolph Shields.

Q What did you see Rudolph Shields do?

A That would take a few days to say what all Rudolph did.

Q Well, tell us about it.

A I had a face to face confrontation with Rudolph Shields about him beating up the colored man that worked —that was still working for me during the boycott.

* * * *

[667] Q Could you just tell us you saw him beating up William Holt?

A Okay. I saw him hit him one time and knock him [668] down and then William Holt's daddy came over there and took him off. I drove on past, parked on the corner in front of the store and Shields, I hollered at him, I said, "Will you come up here? I want to talk to you." Rudy Shields was supposed to be one of the leaders of the Black Hats and whom I saw later drilling them again, too. Rudolph Shields.

Q What was your conversation with Shields about beating up your employee? Why was he beating him up?

A I said, "What are you doing jumping on William Holt? He works for me and I pay him and you have nothing to do with him." He said, "He's been running to you telling you everything that we have decided that we are going to try; that you knew we were trying to come to church that day. He delivered groceries to colored people out of your store and we are going to stop it."

Q What did you say then to him? Do you remember?

A Yes, sir. I'd rather not say exactly what I said. I told him if I saw it happen again, then I was going to become involved in it, with myself personally.

Q I take it —

A I didn't threaten him, no, sir.

Q — being a Navy man that you used somewhat stronger language than that?

A Yes, sir.

Q Well, did you ever see Shields molesting or doing anything else to your employee?

A No.

Q During 1966 now besides Calvin Williams, Whitney and Shields, did you see any other of the defendants that

you can call by name or recognize involved with these individuals [669] that you've referred to as the Black Hats or in any other incident in keeping the people out of the white stores?

A Yes, sir. There was one Mack Bailey, a James Whitney a name, Marcus Jones, Smith, I can't call his first name—

Q Dee Smith?

A Dee Smith, D-e-e Smith, John Henry Walker, Eddie Lee Walls, Walls or Wells—Eddie Lee Wells, I believe his name is, Eddie Lee Wells, Tullos Brown, Walter Griffin—.

BY MR. WILSON:

Your Honor, may I ask for some clarification, if he's testifying with people who were involved with the Black Hats. That's all I want to know.

BY MR. PYLES:

I understood that he's testifying to that, that those are the people he recognized.

BY MR. WILSON:

Right. That's what I wanted to know.

Q Anyone else now?

A There were quite a few others that I know, or knew that I know, but I can't call their name offhand. Let's see—Aaron Brown was one of the other boys that I remember. Mack Bailey and his brother was another Bailey —James Bailey I believe is his name, the other Bailey. There was a long list of them but it's been six or seven years ago.

Q Now what did these individuals you have named do with reference to the Black Hats?

A They wore them; they stood on the corners and we called them—I say "we", I and other people called them "Watchers", "Black Hats" or "Black Deacons". They would stand [670] on each corner and if somebody started in a store, they would holler at them. Well, we'd come up and I have seen them catch an individual by the arm.

Q Now would they say anything to white people from going in the stores or not?

A No, sir. I don't remember anything that I can recall saying anything directly to a white individual.

* * * *

[671] Q Did you see them anywhere else, before any other businesses? Did they have any in front of your business?

A Yes, sir, I had some in front of my business practically all the time. On both corners and right in front; sometimes marching on the sidewalk right in front. Of course, a time or two we had one or two of them arrested for blocking. But as long as they kept moving they were all right.

Q Now when you say "blocking", tell us what you mean by that?

A When I say what?

Q Blocking. You said you had some arrested for blocking?

A They would stand right in the door and not let white or anybody come in. They would just stand in the door, three or four right in the double doors of the store.

Q Three or four what?

A Three or four of those Black Hats would just stand there, wouldn't move.

Q Did they stand in front of your door?

A Yes, sir, on the sidewalk.

Q Did you see them stand in front of anybody else's door?

A Yes, sir, I've seen them stand in front of other people's doors.

Q Can you name some of the other doors they stood in front of?

A I've seen them stand in front of Western Auto Store in particular. Norman Ellis' Five & Ten, I believe that's what he called it—Norman Ellis Department Store.

[672] Q All right. What other Stores?

A Jitney Jungle Store and the M & M. Now the M & M and Jitney Jungle have a little parking lot and

I've seen them on one occasion that they were on that that I saw them.

Q Saw them on the parking lot of the M & M?

A Yes, sir. No, I saw them on several occasions. I was trying to think of one time when they arrested them.

Q What were they doing on the parking lot?

A Just blocking.

Q Blocking what?

A The door, right by the door. They would just stand there. Of course, I have pushed them before, you know, pushed them out of the way.

Q What would they say to you?

A Well, they'd say, you know, bad words or cuss words. When there was a group of them they wouldn't always say, but they would say, like, "You're not going to be home with your wife tonight," or, "Your daughter will be downtown."

Q Now I think this is important and I want you to tell the Court, regardless of the language in here—most of us have been in the service, except for this young lady—would you tell us exactly what these people would say to you when you'd push them out of the way or ask them to get out of the way?

A Well, on more than one occasion I've heard one of them say, "When you're down at the store tonight, I'll go see your wife." And I had another incident with one that my daughter—I had three teenage daughters at that time—and one of them was walking up the street and one grabbed her [673] by the arm and said, "Come on go with me."

Q One of these Black Hats?

A Yes, sir.

Q What did you do about it?

A Well, I went up on the corner myself and the two that were standing there—I don't know whether I threatened them or not, but I told them I would excuse them that one time, that I'd been living there all my life and had never had any trouble and didn't want to get into

trouble, but if it ever happened again there would be trouble.

Q Did you recognize these people? Did you know who they were?

A Oh, yes, sir. One of them was Marcus Jones and—

BY MR. BANKS:

Your Honor, I object. I don't see what all of this has to do with the boycott. I don't see what all this has to do with his business. Object on the grounds of relevancy.

BY MR. PYLES:

It has everything to do with the boycott.

BY THE COURT:

I'm going to overrule that objection. I think that this is logically relevant.

Q Was there anybody else that you saw besides Marcus Jones that you could identify among these Black Hats?

A No, sir.

BY MR. WILSON:

Your Honor, for clarification, I would like to know whether or not the witness' testimony is [674] that Marcus Jones was a person who threatened to see his wife or the person who grabbed his daughter by the arm.

BY THE COURT:

If you know who these people were, you can state who they were.

A Marcus Jones grabbed my daughter by the arm. That's what my daughter said.

BY MR. CARTER:

I'm sorry, I didn't hear that last. You said your daughter said—

A That's what my daughter said. She went back with me and pointed him out.

BY MR. CARTER:

I move to strike that testimony.

BY THE COURT:

All right, this is hearsay and I'm going to sustain the motion to strike.

BY MR. PYLES:

Your Honor, there is a rule of law that when one person does a conspiracy of this sort that it relates to everyone else.

BY THE COURT:

That's not the point he's objecting on, Mr. Pyles. His objection goes to this, that this gentleman has testified that someone by the name of Marcus Jones grabbed his teenage daughter by the arm. The way he knows this, he said, was because his daughter told him this.

[675] BY MR. PYLES:

I understood him to say that she went back with him and pointed this man out. And then is when he said he was going to overlook it this time. I asked him that.

BY THE COURT:

All right, suppose we clarify this. Of course, if it's just something his daughter told him, the objection is well taken.

BY MR. WILSON:

Your Honor, unless the witness viewed the incident himself, whether she pointed this person out to

him and told him, and he never saw the person, it's still hearsay. Unless he witnessed the incident himself; however that he learned about it other than by firsthand, it's hearsay.

BY THE COURT:

No. What Mr. Pyles was talking about is that he had a conversation with the individual. That was my understanding. Now if that is true, then we will go into that, if this man was a member of these Black Hats. Now I'm not forgetting, Mr. Wilson, that you have a continuing objection on bringing these people in, and I will rule on that later. But as for right now, if these individuals, any of them, had a conversation with this gentleman, then I'm going to let it in evidence.

Let's back up just a moment now. The objection was made by Mr. Carter on the grounds [67] that this gentleman didn't see anyone grab his daughter by the arm and that he was simply going on—

A No, sir, I didn't say that.

BY THE COURT:

Sir?

A I saw him grab—I saw a person grab.

BY THE COURT:

Do you know who that person was?

A Yes, sir.

BY THE COURT:

All right, then go ahead. Let's hear it. See, that wasn't the way you answered the question.

• • • •

[678] Q Were you present there and your daughter present there and other people present there and Marcus Jones when she pointed him out?

A Yes, sir.

Q As the one who grabbed her?

A Yes, sir.

Q Did Marcus Jones say anything to you? Did he deny it?

A He just kind of smirked. No, sir, he didn't say anything then because he saw I was mad.

Q Did any of the rest of them there?

A No, sir, they kind of walked off.

Q How were these people dressed?

A They had on a black hat. Just ordinary regular clothing; nothing out of the ordinary about their clothing.

Q How did the people who were stationed as guards and things on the corner and in front of stores, how did they dress?

A They weren't always dressed with black hats. There'd be some old ones.

Q Were they all at times dressed with black hats?

[679] A Some of them, yes, sir. Right. And they were known as "Enforcers". Charles Evers told us that they were his enforcers in the speech when he talked to us and when he talked out on the sidewalk at the front of the courthouse, and I listened, and he said, "These are my enforcers. You'll see them around with black hats on, and they will enforce it." That's what I'm telling you.

Q Enforce what?

A What I'm telling you, not to go in the stores.

Q When was this speech?

A I don't know which particular one. One of the several, many, that he made in front of the courthouse.

Q Did you hear him make that speech?

A I heard a lot of them. Some parts I couldn't hear all of the speech for the noise, on every one.

Q Did you hear him tell—

A I've heard him refer to the Black Hats as his enforcers more than one time himself.

Q You heard him say that?

A Yes, sir.

Q What were these Black Hats going to enforce?

A "If any of the colored people went in any white store, they would get their name, we would have them read out at our meeting at the church, "First Baptist Church," and you will be taken care of." He never did say how. I don't know.

Q Now you said that you were concerned about your daughter walking down the streets of Port Gibson after 1966?

A Yes, sir.

Q Why were you concerned?

[680] A Of the many instances and of my own self walking up and down and had to push or go around a bunch of blacks; young blacks. The older people, and the women and the children they were—

Q What did they do on the sidewalk?

A They would be walking two or three abreast, or just be crowding the sidewalk. You'd have to get out in the street to go around them.

Q Didn't they let you by?

A No, sir.

Q Had this happened before April 1, 1966, when Charles Evers—

A Not to any—

Q Listen to my question now. Before Charles Evers put the boycott on?

A Not to my knowledge. I didn't see an instance of it.

Q Prior to that time you had never known of an instance?

A No, sir.

Q Since that time have you known of instances where these people blocked the sidewalks and make you get off in the street off the sidewalks?

A Hundreds.

Q Is it still going on?

A No, sir.

Q When did it stop?

A It eased off in '70. There were still some instances of it during '70, but not as crowded and not as much as it was during '66 and '68 and early part of '69 years.

• • • •

[684] Q What is this I show you, Mr. Hudson?

A (Looking at document)* This is a—I believe this is a copy that I may have had; looks like I made a note on it at the time. This is a handbill or a "dodger" that they call it, some of the watchers that were standing on the street handed out. I don't know the name of the one that handed this one. After the boycott started, going up [685] and down the streets, well, most of the merchants were armed, carried guns or something. Going back and forth to the bank and different things, these people would be on the street, what we call the Watchers then. They would crowd, a lot of times you had to push by. And they were many times handing out papers or circulars. This particular one, there was two or three or a group of boys standing on the corner and I had seven colored men and boys working for me when the boycott started and I kept them on and laid off one of the whites. I kept the colored on. And usually when I went to the bank, one of them walked with me or ahead of me and one behind me as I would go up and down the street. When the one in front of me went by this group, he handed him this piece of paper. I know it was this piece because I was walking eight or ten feet behind him and I reached out my hand for one—he was passing them out like people pass out handbills, advertisements—and he did them like that (demonstrating) and didn't give me one. And the one that worked for me walking behind me, he handed him one. So, we were right within a block or two of the store. When we got on in the store, I asked one of them, said, "Let me see what he gave you." And this was this piece of paper here.

• • • •

[* Exhibit C-3, R. 692 (J.A. 18).]

[CROSS EXAMINATION]

* * * *

[793] BY THE COURT:

He's asking you to please refer to the Bill of Complaint. In each of these categories he's going to ask you who in that list of defendants committed these acts. So, he's asking you the same as he asked you on 5-a. He's now asking you which of these made public speeches.

A All right. Charles Evers, Calvin Williams, Walter Griffin, Walter L. Griffin, Sr., Jim Ellis, Jr., James Whitney, George Henry Walker. Those are the ones.

Q Mr. Hudson, maybe we can get an answer with regard to all of those in one question. Would you give me the names of those of the group who made speeches at what we might call a rally where there were a lot of people present, and exclude the ones you say talked to people in front of your store.

[794] A Calvin Williams, Charles Evers, George Henry Walker, and I had left Eddie Walls, Jr. off that I remember making a public speech, too—so he covered both categories—Eddie Walls, Jr.

Q And the others on the list would be people who spoke in front of your store and you happened to hear them.

A Right, or a group around on the street corner.

Q When you use the term "group", give us an estimate of how many?

A Fifteen or twenty.

Q Mr. Hudson, was the content of these speeches pretty much the same?

A Well, they were the same in fact that they were calling for a boycott on the merchants for things that we couldn't have anything to do with. You know, couldn't help. Some of them were pretty fiery; some of them were threatening the people. In one instance they'd say, "We'll

call your name out in church at the meeting Tuesday night and our Black Hats will take care of you." You know, that type.

Q I had hoped to avoid doing this, but I guess you'll have to tell me, Mr. Hudson, if you can, which of the people you named there threatened people in the course of their speeches?

A Threatened them?

Q Yes.

A Charles Evers; Calvin Williams.

Q Can you tell me if it was a specific threat or a general threat? Did he threaten specific people?

A He threatened the people—no, sir, you mean called names?

[795] Q Yes.

A He threatened the people that would go in the white stores is all he threatened.

Q Can you, as best you recall, give us the language he used?

A Well, let's see, to the best of my knowledge, on April the 5th Calvin Williams marched—had some pickets out—is that what you want to know?

Q I thought we were discussing about Mr. Evers.

A Oh, all right, Evers?

Q I want the specific language that he used to threaten the people, if you recall?

A Okay, the first speeech he had on April the 1st at the Courthouse, I don't know whether I can quote it verbatim or not—

Q We realize that.

A —because he's hard to quote verbatim. He said that "we don't want any black person going in any white business in Claiborne County. When we leave this courthouse, we're going back to the church and then we're going home. And I mean go home. We will have our boys out on the street to take care of you if you go in the stores." That's pretty verbatim from one speech. The first one that was done.

Q Can you relate to us the portions of any future speeches where people were threatened?

A Where people were threatened by Charles Evers?

Q Right.

A Well—

Q Let me ask you this: In the subsequent speeches, were they pretty much the same—

[796] A Yes.

Q —which you characterized as a threat?

A Right. Except in some instances he called out names. I'm not going to try to recall the names.

• • • •

[797] Q Well, let me ask you this: with regard to Rudy Shields, tell me what specific conduct he engaged in that led you to charge him with sending mass pickets in the streets?

A You want me to tell what he did?

Q Yes.

A Well, he sent mass pickets. He picketed. He made public speeches. He threatened. He stationed guards. He [798] guarded himself, used himself as a guard. He threatened customers in my presence. He tore up goods in my presence of people who had bought in there. Just about anything I can think of. You want me to continue with the list?

Q It's all those activities he did that you charged him with sending out mass pickets in the streets?

A Yes.

Q Now with regard to Paragraph 5-b, you said you wanted to include Mr. Shields' name in that also?

A Yes, that's right. Public speeches, right. Mass, small and large.

Q And you just testified he threatened customers in your presence?

A Right.

Q Will you give me the language that he used in the speeches where he threatened customers?

A Uh, a particular sentence?

Q I guess I could best divide it this way: You said he made speeches to rallies, large rallies and also the small.

A Yes.

Q Can you tell me what statements he used in his speeches to large gatherings?

A In the large speeches or mass or public speeches, he at times would say, "If I catch you shopping, any of my men catch you shopping, we'll be down to your house tonight. You won't have a house tomorrow. We'll burn your house. When we get through throwing bricks on it, you'll know we mean business."

[799] Q And that would be generally true of the other speeches?

A Right.

Q Now you're saying he made threats—

A Right.

Q I assume you mean to individual customers?

A Yes.

Q Can you tell me what language he used?

A "If I catch you going in that G.D. store, I'm going to stomp your G.D.A."

Q Can you give me the name of the customer who he was addressing?

A I can give you the name of a white customer that he told that to.

Q Who?

A Mr. Lee Allen, Jr.

Q Can you give me the approximate date when that occurred?

A The date of April 1, 1966.

• • • •

[801] Q I may not understood you, but I think you said something about them coming back and getting pickets?

A Yes.

Q We were talking about guards.

A Well, guards, I'm using the same name; pickets and guards, they're standing there. Sometimes they had a sign and sometimes they didn't. So, to me a guard was standing there guarding or watching my front door, see. They would put them out and pick them up and bring them back. Same way they would do if they had a sign carrying. Same difference.

Q If people were marching up and down in front of your store with picket signs, they were guarding your store. Is that correct?

A Well, it would be two different groups of them at times. You know, it would be two or three maybe leaning up against a light post or parking meter in front of the store while they were marching and while they'd be picketing with signs. See, some of both. And more times, both. Two different groups, you know. Somebody with a sign and somebody just standing there watching to stop somebody if they started in a store. Now the guards didn't have to stop too much because they were there, they knew they were there, and they made their presence known so there wasn't too many people that [802] tried. They'd come by like they were going to try, but they didn't grab the handle of the door and try to open it too many times.

Q Were the guards stationed there daily?

A Yes, sir, daily.

Q And as of April 1 they were there daily?

A From that time on, yes.

Q Until when?

A Let's see, there was a period, I don't recall exactly, sometime during maybe '69 that they were taken off for a few weeks or few months. But upon until '70, the guards—I don't say every day from April 1, 1966, 365 days for four or five years—but up until 1970.

Q Can you tell us, Mr. Hudson, when they stopped being there every day and were there thereafter every other day and less frequently than that up until 1970?

A I'd say the latter part of '69 they were there pretty much every day. They were there through '68 practically every day. And the latter part of '68 it kind of slacked off. They were there pretty much, I'll say, until the first of 1970. I don't mean every hour of every day. At least some somewhere every day.

* * * *

[803] Q Mr. Hudson, drawing your attention to the second clause in Paragraph 5-c, can you give me the names of any of the guards who physically stopped customers?

A Marcus Jones, Dee Smith, McLawrence Bailey, Rudy Shields, Charles Evers, Calvin Williams, Buster Barber—

BY MR. PYLES:

Your Honor, maybe the witness could go down the list and pick them out that way.

BY THE COURT:

Okay, if he can.

A You want me to go down the list?

Q Any way you want to.

Q It's a lot of names, a lot of people and a lot of faces and a long time ago, and I want to be sure I got them in my mind that I saw them do this before I name them. Now we're working on the ones that I have actually seen threaten—

Q Physically stopped customers, or prospective customers, from entering the premises.

A Right. Calvin Bailey, Joseph Barber—

BY THE COURT:

Is Joseph Barber the same as—

A Buster Barber, yes, sir.

BY THE COURT:

All right.

A Let's see, I've named some—Marcus Jones, Rudy Shields, Albert Weathers, Eddie Lee Wells, Calvin Williams, Dee Smith, James Ellis, Jr. Right now that's all the names that come to me that I'm sure about that I saw.

[804] Q Mr. Hudson, I want you to try as best you can to give me a date and the circumstances with regard to Calvin Bailey's stopping someone from entering the premises of white merchants?

A I can't recall.

* * * *

Q Your response to my question is that you cannot give me a date of the circumstances allegedly including Calvin Bailey?

A Right. I have seen him actually take a purchase out of a person's hand, but I can't give you the date nor the name of the person. In fact, I have seen him take several. But I just can't tell you the date.

Q Can you tell me approximately when it was?

A I would say 1966, early part of '66. Sometime during the month of April, 1966, the first time. But that's as close as I would try to pinpoint it.

* * * *

[807] Q James Bailey took packages, or at least one package away from a customer?

A Correct.

Q Can you tell me when that happened?

A No.

Q Can you tell me where it happened?

A In front of the Piggly-Wiggly store.

Q Was the customer leaving your store?

A Correct.

* * * *

[808] Q On any other occasion did you see James Bailey take a package from a customer?

A No, sir, not to my knowledge.

Q Can you tell me whether or not you ever saw Calvin Bailey take a package from a customer?

A Yes, I did.

Q Will you tell me when that incident occurred?

A Sometime during the month of April of '66.

Q Can you tell me where it happened?

A On the corner of Main and Fair Street, 500 block.

Q Do you recall the name of the customer?

A No, I don't.

Q Do you know whose business premises she was leaving; which of the complainants?

A I'm not sure. It was a brown bag. I didn't see her come out of the store; no identification on the bag.

Q You don't know if she had been in the premises of one of the complainants?

A No, I do not.

Q On any other occasion did you see Calvin Bailey take a bag from a customer or some person?

A Not to my knowledge.

Q Did you ever see McLawrence Bailey take a bag from a person?

A Once or twice that I can remember.

Q On the first occasion, can you tell me when that was?

A It would have been during the month of April of '66.

[809] Q Do you recall the name of the customer or person involved in that?

A No.

Q Can you tell me where that occurred?

A That happened in front of Michael Ellis Department Store. Let's see, the name of that street—Walnut, about the 200 block of Walnut Street. We don't go by numbers. I don't know.

Q Can you tell me where you were located physically when you witnessed this?

A Walking up the street.

Q Approximately how far were you from the customer when McLaurin Bailey took the bag from him or her?

A About fifty feet from the first time I saw it.

Q This is the first incident in April of 1966?

A To my best recollection.

Q Was there any policemen in the vicinity when that occurred?

A I'm not certain but I belive that he was arrested right then. I don't know if that's the time or not, but I believe it was then. The warrant.

Q Did you witness the signing of the warrant for his arrest?

A I didn't witness or sign the warrant. Somebody else did. I saw them arrest him.

Q There on the spot shortly after the act was committed?

A Correct.

• • • •

[811] Q You say there was a second incident involving—

A There were several incidents.

Q —with regard to McLawrence Bailey?

A Right.

Q There were several more involving him?

A Correct.

Q That you saw?

A Correct.

Q Can you tell me approximately where that occurred?

A One occurred on, I don't remember the time, but it occurred on Fair Street that I witnessed.

Q Do you know whether the person who had the bag had been on the premises of one of the complainants?

A I assume they had. I couldn't swear.

Q But you do not know?

A No, sir.

Q With regard to any of the other incidents, do you know for a fact that the people involved had been in the premises of any of the complainants?

A I know of one, Roosevelt Wyatt. You mean other people that—

Q Someone that McLawrence Bailey took a bag from?

A Oh, no, not McLawrence, no, sir.

Q With regard to Eddie Lee Wells, did he take bags from anyone?

A I don't remember seeing him take any bags particularly away from someone. I've seen him on numerous occasions, you know, guard. But actually taking something, I can't say.

Q You realize, Mr. Hudson, that this list we have [812] includes some people who took bags and some who didn't?

A Right.

Q I'm trying to get the ones who did. Did Buster Barber take bags from anyone?

A No.

Q And did Charles Evers?

A I'm trying to think if he took the bag from a lady in front of—I don't believe, no, sir, he didn't take the bag. He told her to put it down.

Q Did Albert Weathers take bags from anyone?

A Not to my knowledge or that I witnessed.

Q Did James Ellis, Jr., take bags from anyone?

A James Ellis or Jim Ellis would be the same. Not that I saw.

Q Did Dee Smith take bags from anyone?

A Correct.

Q Can you tell me on what occasion you witnessed him take a bag from someone?

A (Looking at notes) On Friday, May 2, 1969, about 4:30 in the afternoon.

Q Can you tell me where this occurred?

A Right in front of the Piggly-Wiggly store, 525 Main and Market Street.

Q Can you tell me where you were when you observed this?

A Standing on the sidewalk about three feet from the three people.

Q Can you give me the name of the customer or customers involved?

A Roosevelt, Shorty, Wyatt.

[813] Q Is this the incident that you testified with regard to yesterday, Mr. Hudson?

A Yes, sir.

Q As I recall your testimony yesterday, correct me if I'm not right, your testimony was that they threatened to take the bag and Mr. Wyatt challenged them to do so and they backed off?

A Right.

Q So they did not take the bag from him; they threatened to do so?

A I stand corrected. I didn't see them take it out of his hand.

Q Was there any other incident with Dee Smith who took a bag?

A No, sir. Not that I witnessed, no, sir.

Q Did Marcus Jones, to your knowledge, ever take a bag?

A No, sir.

Q To your knowledge, Mr. Hudson, did Rudy Shields ever take a bag from anyone?

A I would estimate that I saw around twenty different times that he grabbed a bag from somebody's hand. Not any that I know that came out of my store. But seeing him on the streets, I've seen him snatch a bag. Where the bag came from, I don't know.

Q As far as you know the bag did not come out of the business premises of any of the complainants?

A Not that I can prove.

* * * *

[822] Q Can you describe other specific incidents involving Mr. Calvin Williams other than the Darden incident?

A Offhand I can't remember.

* * * *

A I said the only thing I could remember was the Ernest Darden instance. But, also, I considered the speeches he made—one speech he made that I referred to on the 5th of April of '66 as being all of this "g", plus. Not to a specific customer but to a group or mass.

Q That's your conclusion from what he said?

A Yes.

Q Tell me, Mr. Hudson, approximately how many people were there when Mr. Williams made this speech?

A It was estimated around 300, and I estimate it to be about 300.

Q And at what stage of his speech did he make statements which you would consider vilification, slander, abuse? At the beginning, middle, toward the end? Do you recall?

A No, sir. I just remember that he marched down the street to the courthouse with a good many following and he talked on. He stood on the steps of the courthouse and that was the thing I made the note of that stuck in my mind, was that he said, "If you trade in them stores, any of you, we'll know who they are and my boys will get you." You know, [823] to me and to everybody else that was kind of the climax of the speech.

* * * *

[824] Q With regard to Paragraph 5-j, can you give me the names of the defendants who went to the homes of certain customers and sought to induce them not to trade with the complainants using threats and coercion?

A Could I refer to another note there on that?

Q Certainly you may.

A Let me see if I can find it. (Looking at document) This was a note I made of a telephone conversation that

I recognized the lady's voice when she called me on the phone and said that one James Bailey threatened her. She had been in the store that afternoon. He threatened to burn her house down. I suggested she report it to the Sheriff. That's a note on January 27, 1970.

Q Did this occur during a visit to someone's home? The part of the complaint dealing with having to do with [825] certain of the defendants called at the home of customers?

A Oh, you mean called at the homes. You mean, they went. I'm sorry. I was taking it for a telephone call.

Q Mr. Hudson, I'm not trying to interpret your complaint. Is what you had in mind when you verified this complaint was telephone calls as well as personal visits?

A Well, if you'll bear with me. I'm really not a lawyer and I've got to be sure that I'm clear, too. (Reading) Well, I took it to mean they called at the home in person or called over the telephone. You correct me if I'm mistaken.

Q Do you know of your own personal knowledge, exclusing [sic] things that were reported to you by someone else, defendants who went to the homes or were you there when a defendant called by telephone?

A No, sir, I was not present.

* * * *

[828] Q I hand you, Mr. Hudson, a document which has been marked Complainant's Exhibit C-3. I think you testified yesterday that you obtained that from one of your employees?

A Yes, sir.

Q I think you testified it was Mr. Holt?

A Yes, sir.

Q Can you tell me whether you've ever seen another copy of that document, other copies?

A You mean one like this or the exact copy?

Q Other copies like that?

A At several meetings there were a lot passed around something on this order. I don't know of any particular

one. I'm sure that this one was passed around. And this is [829] the only one that I've had a copy of. But several of them were passed around. One of them was a picture of a police dog attacking. At the meetings we had every week something like this would be passed around for everybody to see, more or less to keep what was going on, you know.

Q You say they were passed around at meetings, what meetings?

A At both the biracial committee when we were meeting and, also, the white merchants met every—the colored people met on Tuesday night and the white merchants met every Friday night—business people, individuals, white people—met every Friday night at the courthouse for, I don't remember, a year or two every Friday night. General meetings and discussions.

Q Now once you received that document, did you undertake any sort of investigation to determine its origins?

A No, I didn't. It was turned over—The sheriff had a copy and they were asked if they would look in and see if there was anything. No, sir, I don't know anything else about it other than just seeing it.

Q Did you just say the sheriff had a copy of it?

A I'm sure that he did. He was at all our meetings and I'm sure he saw a copy of it. I say that all I did was just save a copy like I did a paper of anything else that I picked up concerning anything that was going on about the boycott at that time. Clippings and such. And that just happened to be one of the things that I saved.

Q Would it be accurate to say, Mr. Hudson, that you saw that document in the hands of white people as frequently as you've ever seen it in the hands of black peo ple?

[830] A Well, I saw a copy like that passed around to a group of white people. There were probably a hundred people there.

Q And you have no idea as to its origin?
A No.
Q You never made any investigation of it?
A No. No way.
Q As to its origin?
A No.

BY MR. ROYALS:

Your Honor, at this time we move on behalf of the defendants to strike this exhibit C-3 from the record based on the testimony of this witness.

BY THE COURT:

The motion is denied.

Q Mr. Hudson, you testified yesterday of some activities, marching activities, something engaged in by a group that has been referred to variously as Black Hats, Enforcers, Watchers, and so forth. Is that correct?
A Correct.
Q I think you, also, testified that at the time described by you yesterday they were being drilled by Mr. Calvin Williams?
A At one time I believe I saw him.
Q And directed on another occasion by Mr. Whitney?
A Whitney is right. Correct. On another occasion Mr. Shields. I don't know whether I told that yesterday or not. I don't remember.
Q You, also, testified that at the time, I believe, and correct me if I'm wrong, that you saw them being drilled [831] by Mr. Williams that they had guns, or something that appeared to be guns?
A That's right. Each time that I referred to.
Q On every occasion when you saw them drilling?
A The three times that I referred to, right.
Q Can you tell me approximately how many people were in the group?
A I'd say from eight of the smallest to eighteen. The three groups that I saw at three different times as few

as eight on one of those times and as many as eighteen at one time.

Q Did you, also, yesterday, Mr. Hudson, testify that the first occasion when you saw them drilling with guns was shortly after the assassination of Dr. King?

A I don't recall.

Q Do you recall then approximately when was the first time you saw them drilling with arms?

A No, sir, I don't recall. I may have said yesterday in some events leading up to it that put a calendar in my mind, but I can't recall.

Q Can you give us an approximation?

A I would say no, sir. It would be the year—I believe it would have been the year '67 the first time. Of course, this three times that I'm talking about just happened to be a time that I saw them, and it could have been a year's difference between the two times. See? It was during this period of four or five-year period. So, I would hesitate to try to pinpoint the date or even the year.

Q Now on each occasion when you saw them drilling, were they on the parking lot down behind your store?

[832] A The one time that Calvin Williams was drilling them, or marching with them, they marched down one block south of me on Main Street on the sidewalk. I think there were seven or eight then that had guns that marched with them. They marched down to the corner of Fair and Market, turned East and went down about a half a block and that put them in the vicinity right behind my store on that block. And they marched on in there and doing a little, I call it, close; all of them marching.

Q What's the closest you were ever to them, Mr. Hudson?

A I was standing out the front door of the store looking down, and from the front door of my store down to that corner that they turned and went down is about 108 feet, and across the street 40 feet—and they came

across the street and came down that street—so about 150 feet. Then I went to the back of the store, which is about 110 feet long, and looked out the back door where they, you know, came in on the vacant lot and I watched them a few minutes.

Q How far were they away at the time you went to the back of the store?

A From the back of my store to the sidewalk on that side is between 60, 75 or 100 feet all the way to the sidewalk. They were between the sidewalk and my back door.

Q And did each of them have a gun?

A I wouldn't say each one of them had, every one of them. I'd say the majority of them had a gun. I believe they all did. I'm not real sure.

Q You're certain that they were guns and not a facsimile of guns?

[833] A I'm not certain as to the ones they had.

* * * *

[836] Q On the occasion when you saw these people being drilled by Calvin Williams, were you ever close enough to them to state without doubt they were carrying arms?

A Real guns?

Q Yes.

A No, sir.

Q Would the same be true for the occasion when they were being drilled by Rudolph Shields and by James Whitney?

A Same would be true.

* * * *

[Witness Dan McKay]

[DIRECT TESTIMONY]

[1012] Q Were you present during the course of the speech made there at the courthouse after the marchers had gone down Market Street?

A I was.

Q Who was the principal speaker?

A Charles Evers.

Q What, if anything, was said in regard to a boycott in his speech?

A He told them the boycott was on all white merchants. He told them except Stampley's Store which was outside of town, that they could trade there. They could trade at Salter's Service Station for their gasoline. They left one drugstore open, I believe, at the time and told them—I'm not sure if they left any drugstores open at that time or not. And told them if they needed medicine there would be free transportation to take them—

[1013] BY MR. PETERS:

If it please the Court, the best evidence of Mr. Evers' speech would be the speech itself.

BY THE COURT:

Well, that is going to be time consuming to replay that tape to this witness. I am going to overrule the objection.

BY MR. PETERS:

Well, it has been admitted as evidence and the best evidence of the speech would be the tape of the speech.

BY THE COURT:

The tape as introduced was the speech of April 19, 1969. That was a meeting in front of the Claiborne County Courthouse. The speech that Mr. Shell is talking about presently, as I understand it, is the speech of April 1, 1966. You may proceed.

BY MR. SHELL (Continuing):

Q Go ahead.

A He told them to boycott all the white merchants, get out of town, get off the streets and told them they could trade at Stampley's Grocery Store which is ap-

proximately two miles out of town and I believe a Shell Service Station. I'm not sure if they left a drugstore open or not. But they could trade with no other white merchants.

Q Did he make any comment about what would happen if they did not observe the boycott?

A He did.

Q What did he say?

[1014] A He said, "If you break the boycott your own people will break your necks."

Q How large a crowd did he have there that heard this speech?

A I would say 400.

* * * *

[1015] Q Did anything unusual occur after that April 1st, 1966 date?

A That day?

Q That day.

A Well, some people came into town that didn't know the boycott was on. They were shocked [sic]. They told them not to trade.

BY MR. PETERS:

If it please the Court, we request that this witness say who was stopped, who stopped him and this sort of thing. And also a particular date this happened.

BY MR. PYLES (Continuing):

Q Do you know who the people were that stopped these potential customers?

A I don't know all of them.

Q Do you know any of them?

A Yes, sir. I know one in particular.

Q Name him.

A Ernest Dardin.

[1016] Q What time did this occur?

A Maybe around 6:30 in the afternoon.

Q Was Ernest Dardin one that did the stopping or one that was stopped?

A He was stopped.

Q Would you relate this incident to us.

A I was standing in front of the courthouse and several Highway Patrolmen were there with me and this car drove up in front of the Piggly-Wiggly. This man, Ernest Dardin and his wife and children were in the car. He got out, apparently fixing to go in the Piggly-Wiggly and a group of black people walked across the street and I saw James Hudson come out of the store and looked like some arguing back and forth so myself and four or five Highway Patrolmen walked over in front of the Piggly-Wiggly. Ernest Dardin apparently didn't know anything about the boycott being on because Calvin Williams told him the boycott was on and that he couldn't trade with the white merchants. At that time I told him if he wanted to go in I would see that nothing happened to him. It was a group of people but I remember distinctly that Calvin Williams was doing the talking. And he said, "You can go in with him and get your groceries but these white folks ain't gonna sleep with you." So he decided not to buy his groceries and got in his car and left.

Q Was this remark made in a threatening manner or what?

A Like I said, he told him, "The sheriff can go in with you and get your groceries but he's not gonna sleep with you."

* * * *

[1091] Q Sheriff, would you bring the tape over here and play it on this machine where everybody in the courtroom can hear it?

(Tape was put on recorder and played out in the courtroom for all to hear as clear as possible. The following is a transcript of the tape as transcribed to the best of my ability. This tape was originally introduced into Evidence as Exhibit C-13 for Identification to the testimony of David Bethea in the

above cause on June 20, 1973. Any notation in parenthesis is said by someone in the audience or denotes participation of audience.)

BY CHARLES EVERS:

At this time we are not going to deviate from our usual procedure, one that got us this far in government in Claiborne County and the rest of these counties, and that is non-violent but consistent and determined way to tell the truth. (Amen) At this time we are going to have our Honorable President, the Reverend Walls, and he will pray for us and then we will sing a couple of verses of Amazing Grace [1092] immediately after he has finished.

(Prayer by Reverend Walls followed by the singing of Amazing Grace.)

BY CHARLES EVERS:

Thank you very much. We want our white friends here to know what we tell them happens to be so. Thank you for having the courage to walk down those streets with us. We thank you for letting our white brethren know that guns and bullets ain't gonna stop us. (No) (No) We thank you for letting our white brothers know that Port Gibson ain't none of their town. (Amen) (Applause) That Port Gibson is all of our town. (Applause) That black folks, red folks, Chinese and Japanese alike (Yeah) (That's right.), that we are going to have our share. (Yeah, we are.)

I want to thank you for coming out this afternoon because you could have done like our foreparents did, kill a nigger and all of us make a run for the hills. (Yeah) (Applause) Thank God that somehow or another we ain't running no more. (We ain't running no more.) (Yeah) (Applause) We ain't running to no hills, we are going to run free. (That's right.) (Yeah) (Applause) (Amen) We're gonna grab and squeeze all the hell out of it. (Much applause) That's wrong. (Amen) (Tell

'em about it, tell 'em about it.) That's wrong, and wrong can't prevail. (Amen)

Last night, young folks, you made a mistake. That's all this redblooded, hungry, trigger-happy, racist, bigot figures want you to do. (Amen) Write it down like I say it. Are you going for a rock so they can throw lead at you? (That's right.) If you do that you are foolish. (Right) You can't win that way. (No, you can't.) Don't throw rocks [1093] at 'em, don't shoot 'em, that is all they know to do. That's right. (Amen) Look at me now and tell me, no, white brothers, you ain't gonna turn us around. (Yea) (Amen) (That's right.) Look him in the eye and tell him you ain't gonna kill him like you killed us. (That's right.) (Yeah) We're just going to make damn sure you stop killing us. (Much applause)

We got to also tell him that we know you think that if they continue to kill us it's going to stop us. (It ain't gonna stop us.) We got news for you. (We ain't dead yet.) We have just begun. (Right) (Applause) That white folks and that big, black burly nigger (Yeah) (Yeah) (Applause) that big, black burly nigger (Applause) we want to make sure that he knows too that we are not going to allow no racists in this town to hand pick some nigger to kill us openly.

We want our white brethren to know that Highway Patrolmens, you don't have to be here. (That's right.) (Applause) If the sheriff of this county and the mayor of this town had any kind of relationship they wouldn't need to call in nobody. (Loud applause) (Yea) Well, white folks, we just want to tell you something. (That's right.) You may as well understand that black folks are going to be heard in Claiborne County. (Yea) (Tell 'em again.) (Applause) You fooled us last year. That's all right, white folks. You fooled us two years ago and we elected a sheriff we knowed that wasn't going to protect us. (Right) But that's all right. (That's all right, Sheriff.) We are coming at you again. (That's right.) This

time we are going to beat you. Oh, we're gonna beat you this time. (Loud Applause.)

[1094] We are going to beat you because we know you can't trick us no more. (Yea) You are not going to be able to fool us by getting somebody to give us a drink of whiskey no more. (Applause) You ain't gonna be able to fool us by somebody giving us a few dollars no more. (Applause) We are gonna take your money and drink with you and then we're gonna (Applause) vote against you. Then we are going to elect a sheriff in this county and a sheriff that is responsible, that won't have to run and grab the telephone and call up the blood-thirsty highway patrol when he gets ready (Yeah) to come in and beat innocent folks down to the ground for no cause. (That's right.) (Applause) (Boo) We are going to elect a sheriff that can call his deputies and represent black leaders in the community and stop whatever problem there is. (Yeah) (That's right.)

Then we are going to do more than that. The white merchants of this town are so wrapped up in the power structure here, since you love your Police Department so well, since you support them so well (Yeah), we are going to let them buy your dirty clothes and your filthy, rotten groceries.

Oh, no, white folks, we ain't going to shoot you with no bullet. (That's right.) We are going to shoot you with our ballots and with our bucks. (Yea) (That's right.) We are going to take away from you the thing that you have had over us all these years. (Yeah) Political power and economic power. While you kill our brothers and our sisters and rape our wives and our friends. (Yeah) You're guilty. You're guilty because you don't care a thing about anybody. (Yes.) And when you go and let a big, black burly nigger like you get on the police force (Yea) go down and grab another black [1095] brother's arm and hold it while a white racist stole him from us, and he's a liar if he says he didn't hold him.

Can you imagine that? Can you imagine a big ignorant nigger that can't read or write? (Applause) We're gonna tell you there are ignorant whites who can't read and write either. (Applause) You know one of those niggers that insulted me down there, now we are gonna go and chastise him for it. Can you imagine that? (No) We were born and reared in this county where they been seizing and killing niggers all your life (Yeah), and here is one big, burly and black as tar (Applause) because white folks have convicted the mind of the Tom. He thinks that as long as he is with the white folks he is right. I got news for you, black boy. (Applause) We are going to let you and your white racists take care of Port Gibson. (Yea) (Applause) We are going to let you and your trigger-happy and blood-thirsty cops buy all the groceries and clothes up and down Main Street. (Applause) And we are going to let ole Rose Oil out there where the headquarters for the city police—to wait on them to come through here. (That's right.) We will let the police buy the gasoline from them. (Applause)

We mean what we are saying. We are not playing. (Right) We better not even think one of us is black. You better not even be caught near one of these stores. (Applause)

We don't want you caught in Piggly-Wiggly. You remember how he grinned at us four years ago? (Yeah) You know how when he took office he grinned at us? (Yeah) He ain't hired nobody yet. (That's right) (No) And you know old Jitney Jungle down there with those funny letters down on the end? (That's right) (Applause) He haven't hired nobody in [1096] there yet. (No) Do you know poor ole M & M or whatever it stands for, mud and mush, I guess. (Applause) They're out here on the highway and they haven't hired none of us yet.

Do you know Ellis who had a part-time boy all his life? He ain't hired nobody, is he, yet? (No) Then we got ole Stampley, and ninety-nine and three-fourths of

his sales are black folks business. He got the nerve to tell me he ain't gonna put no nigger ringing his cash register. I got news for you, Brother Stampley. You can ring it out your damn self. (Extra loud applause.) I want some of you fat cats after this meeting who wants three of our young boys who ain't a'scar'd of white folks (Applause) (Me) and we want you that's willing to follow the rules now to go down by Brother Stampley's and serve notice on him with our placards that we ain't coming no more.

Then we are going to tell all the young men that drive Piggly-Wiggly trucks now (Yeah) (Be careful, Son.) because the soul brothers and the spirit is watching you. (Extra loud applause.)

All right, Brother Wolf, you're next. (Applause) We got a couple of 'em to come down by Brother Wolf's. We mean business, white folks. We ain't gonna shoot you all, we are going to hit you where it hurts most. (In the pocketbook) (Applause) In the pocketbook and in the ballot box. (Applause) We may as well tell our friends at Alcorn to stay away from up here. (Yea) Now, you say, "What's wrong with you niggers?" I'll tell you what is wrong with us niggers; We are tired of you white folks, you racists and you bigots mistreating us. (Yeah) We are tired of paying you to deny us the right to even exist. (Tell 'em about it.) And we [1097] ain't coming back, white folks. (We ain't.)

You all put a curfew on us at eight o'clock tonight. We are going to do you better than that. We are going to leave at one-thirty. (Loud applause) We are going to leave at one-thirty and we ain't coming back, white folks.

I'm gonna give you your homework, white folks. You got to first fire those four. Listen good. Write it down. (All right, white folks.) Number one is supposed to be the chief of police here. And then, number two, he is that great big, that disgraceful, that uncouth, (Applause) that nigger you got down on the police force. (Applause)

Let me go a little further. We ain't through yet. We want big daddy. Then we want that other one. That poor redneck Wolf that runs around here (Go get him.), that runs around here harassing everybody who pass through here. That is the one that gave us that ticket out there that day.

You know what I'm talking about, policeman. (If you don't know his name, call him a nigger.) (What's his name?) (Wolf) (Wolf) That one that gives us a ticket and claims we run a red light that we don't even see, there is not a red light there,—three or four everytime we boycott you. This time we are not only going to have Wolf going, but ole Kelly, you want to leave Kelly in there? (Yeah) We are going to get Clyde, too. (Loud applause) All right. The price is going up.

Talk about our morals. Now listen to this: Let's be quiet. You know, now, they claim niggers can't because they got morals—their morals are low. Well, I have been informed that we have on our police department, you all hear this now, Butch, before you sue me, that we have got somebody [1098] that went to jail for stealing cows. Now, how bad can you be? A cow thief is one of the worst thieves in America. (Applause) Well, then we go two of them—three of them. Now we got Number 1—Number 4. Well, Ronnie is the first one. We got three policemen and the chief, and we have got to make sure that—who is that—Kelly? (Dan McCay) Well, we will take care of Dan McCay. (Applause) We can't throw him out. We can't get Dan out before two years from now. We want the Chief of Police and three of them bigots on there, including that black one, they have got to be not suspended, not put on probation, but they got to be fired from the role—period. (Applause)

All right, let's go a little further now. You don't know why we don't exist our account and give it to the white folks. Don't fool yourself, fellow, 'cause they can't stand it. I know they can't stand it. You stay out of here, they can't stand it. You are gonna have George Ellis,

you're gonna have Brother Allen here who controls everything in Port Gibson, bless his heart. (Laughter)

We are going to have Brother McCay; we are going to have our newly elected mayor who we elected, we are going to have him around here, too. Come on back, my dear friend. He say, "Naw, brother, we ain't coming." "Have you got rid of all those bigots you got on your police force?" "No." "Have you hired Negroes in all them stores?" "No." "Well, we ain't coming back." (Right) That's all we gonna do. You know, what they don't realize is you put on this curfew, that is all we needed. Let me just give them some instructions. We are going to buy gas only from the Negro-owned service stations. We agreed on it, remember? Now, don't back upon [1099] your agreement. (Yea) I don't care how many Negroes working on it, that's too bad. We are going only to Negro-owned service stations. And we are going only—the only time you will see us around on this street, now listen good, you are going to Lee's Grocery and other stores on this end. Is that clear? (Yeah) (Applause)

We don't want to go to none of them drugstores. They get us confused. Now, who am I going to get my medicine from? Let us know in time and we will be glad to furnish a car free to carry you anywhere you have to go to get a prescription filled. You can't beat this. (No) It won't cost you a dime. You go to any of the local black businessmen and tell them you have got to go to Vicksburg to get your stuff. And then if they don't carry you, let us know. We'll take care of them later. (Applause) Now, you know, we have got a little song that says, "This is your thing, do what you want to do." (Applause) This is our thing, let's do what we want to do with it. Let's make sure now—if you be disobedient now you are going to be in trouble. Remember that, now, listen. Listen good. They are going to start saying, "You know what, Evers is down there with his goon squad, . . ." Now, we know Claiborne County,—"with his goon squad harassing poor ole niggers."

Well, good white folks you have been harassing us all our lives. (Applause) And if we decided to harass you that's our business. (That's right.) They are our children and we are going to discipline them the way we want to. Now, be sure you get all this right on all these tape recorders. Whatever I say on this trip I will say it in Jackson. (Amen) (Glory) And I will say it in Washington and New York. White folks [1100] ain't gonna never control us no more. (Applause)

One more thing we are missing. We would like to ask our dear sheriff a personal favor. Be quiet now. Sheriff, we will guarantee you, what I have told you is—we only got one flunky around here (Laughter)—if you will dismiss the highway patrols, we will assure you that there will be no problems. Now if you don't take our word for it, that is all we can do. You are wasting our taxpayers money. (Yeah)

Now we know John Bell controls all of it, but you be a sheriff, stand up like a man, run your county. Go on. We will help you. Tell these blood-thirsty boys what you have got around here, be quiet now, that they can run on back home and play with mama tonight. (Laughter) They don't have to stay up here and be bothered with us. Be fair about it, sheriff, just so we are going to prove it to you. (Applause) You may not pay us nothing but it is going to cost you like hell to get out of it. (Applause) If you will just let them go home like two o'clock, if you will let them go home, there won't be no problems, let them go home now, you boys go home and go buy your groceries at Jitney Jungle and Piggly-Wiggly and you are going to find we have a nice, quiet peaceful town here tonight. Because, you see, we know our folks. Ya'll know ya'll's. And when we decide to do something we do it together, (Applause) because when we become the mayor—I'm going to be mayor of Fayette (Applause)—when I become mayor of Fayette, I'd be some mad sheriff if I had to call these boys to come down there and straighten out Fayette. (Laughter) I'm

going to let all the good white brothers there know that they ain't got nothing to worry about, for we ain't going to let none of our black policemen beat [1101] no white folks and they sho' ain't going to shoot none and holding them by the hand. We ain't going to let none of our white policemen mistreat no black folks or white folks. We are going to run that kind of town that you fellows can come down and feel free. (That's right.) The highway patrol won't have to come down there and beat up on us for nothing. (Right)

That John Bell Williams can go on to sleep and when he wakes up off one of them—you know, (Laughter) when he wakes up and gets up—you know, he's got two offices. He's got one in the mansion that we pay for; he's got one in the state building; and one in between; and then he has to go to Washington every month for a finish job. Well, you all understand what I am talking about. (Yeah)

Anyway, we are going to have a town and a county. There's going to be a little friction, too. I'm going to let you know that. We are going to have friction and Dan McCay exit at the same time. We are going to have them join hands and go way out on one of our reservations and let them (inaudible) the rest of their lives. We are going to run Jefferson and Claiborne Counties like they ain't never been run before. (Tell 'em.) We are going to do to the white folks what y'all ain't done to us and make you feel a part of it. Make you feel wanted. We ain't gonna kill you. We are not going to have our boys waiting for you when you pass through a red light in Fayette; we are not going to do that to you. You can come through there like a human being. When you come through there like a human being we are not going to bother you. But if you come through there speeding, I don't care who you are, if it's Mrs. Evers, if you speed in Fayette [1102] you are going to pay the price.

Now let me tell you, Mr. Highway Patrolmen, don't come through there speeding. (Laughter and applause.)

You ain't got no right to come through Fayette speeding. (Right) You drive through there 25 miles an hour. Now if you speed we are going to arrest you, put you in jail, and we are going to charge you a dollar for every mile you are over the speed limit. (Applause) Of course, we are going to charge you $12.50 for cost of court and that is my fee. (Applause)

Just so you don't misunderstand me, you know you can't win no case because when you win I'm going to lose my fee and you know I ain't going to let you win no cases. (Applause)

You white folks, all of us here, takes us to the Justice of the Peace and you know we can't win; the constable, he gets a cut out of that, too, and the only way we can get our money is when we convict you all. If you come through there speeding (inaudible)—so don't come through there speeding. If you come through there right and do right, we won't bother you. That's what you done to us. We are going to do a little better. We ain't going to charge you $105.00 for running a red light. We'll charge you a dollar for every mile you speed.

Now, my dear friends, the white folks have got the message. I hope you have got the message and tell every one of our black brothers until all these people are gone, you voted on this in the church, don't let me down, and don't let yourself down. We agreed in the church that we would vacate this town until they have met those requests, the white folks don't demand nothing out of us. All right, white folks, we are just saying until you decide when you want to do these little [1103] things we beg of you, we are not coming back. (No way)

None of us better not be caught up here. (Yea) I don't care how old you are, I don't care how sick you are, I don't care how crazy you are, you better not be caught on these streets shopping in these stores until these demands are met. (Applause)

Now, let's get together. Are you for this or against it? (Applause) (For it.) Remember you voted this. We

intend to enforce it. You needn't go calling the chief of police, he can't help you none. You needn't go calling the sheriff, he can't help you none. (That's right.) He ain't going to offer to sleep with none of us men, I can tell you that. (Applause) Let's don't break our little rules that you agreed upon here. And we want to—instead of—you know, we don't know who made this curfew, I don't know who did that. We ain't got no kind of order on that. Somebody said you are on a curfew. Get out of town, nigger. (Yeah) We are going to teach our white brother how to do this. The first thing you do, white folks, is go and bring the law to us and let yours truly or some of us see it and read it to our folks, and then signed by some of your authority, I don't know who you are, I don't think I (inaudible) and then we will be glad to tell our people what the rules are. And then if we decide we want to go about it, we will go about it. If we decide we don't, we will break it and you will arrest us.

So now we decided we are going back to the church for a quick minute when we leave here and get reorganized. Are you willing to go back to the church? (Yeah) And then we are going to be sure, now, that we decide whether we are going to respect this, I don't know who insisted—whose curfew is [1104] it? You know, white folks got access to a plenty of stuff—ain't nothing but a bunch of niggers and all that. Now white folks, let me ask you this: Do you mean white folks stay out of town, too, or just us? We are going to have an understanding here, Dan.

BY SHERIFF MCCAY:

That's put on by the City, but I understand everybody.

BY CHARLES EVERS (Continuing):

Equal rights. Dan says white folks stay out of town, too. Do you all hear that, white folks? (Laughter and audience noise.) We are going to be peeping. You know, we can peep now. We are going to be peeping and watch-

ing you all and if we see one white folks walking, we are coming out, too. (Applause)

Let's go to the funeral of our young son whenever the funeral is. I don't want you to come with hate because that is not going to solve our problems. (No hate.) We don't want you to hate the white folks here in Port Gibson. That is not going to solve it. If you hate what they have done, I hate to get personal, I hate what they did so much to Medgar, (I know.) I ain't going to ever stop hating them for that. But I am going to chase them in the way what I know is right and just. I am not going to lay out in the bushes and shoot no white folks. That's wrong. I am not gonna go out here and bomb none of them's home. (No) That's not right. But I am going to do everything in my power to take away all the power, political power, legal power that they possess anywhere I live. We are going to compete against them. When we blacks learn to support and respect each other, then and not until [1105] then, will white folks respect us. (Applause)

Now, you know I trust white folks and I mean every word I say. But it comes a time when we got to make up in our mind individually, are we going to make those persons worthwhile. We done talked and raised all kind of sand all day here, now, what is really going to prove it, are we going to live up to what we have said? (Applause) Now if there is any one of us breaks what we agreed upon, you are just as guilty as that little trigger-happy, blood-thirsty rascal. (Tell 'em about it.) You see, if I was mayor of this town, I would have fired him then. Not because he shot a black man, but any time a big ole burly something like Rip and that long-legged something like this other boy, and he is a boy, he must have passed about the sixth grade, go out and cater up to a lit'l ole bitty something like this man, the man had nothing in his hand, didn't even have a pocket knife, he was even almost drunk, they tell me, and they couldn't arrest him. Can you imagine that? The two of them

hold him and they got to shoot him in the stomach. Well, mayor, I would fire them without any hearing, but the mayor ain't got that kind of guts. We are going to fire them for him.

Now, please, colored folks, please, black folks, don't be tricked by this come on, y'all just stay out of town. They are gonna force you out at eight o'clock, do you know that? (Yes) With guns and with billy clubs. So have some horse sense. Stay out of town from now on. Let the highway patrol sit around here chewing tobacco and rolling them ole Bull Durham cigarettes and chew that old black tobacco by themselves.

Wait, wait, now. They ask me where I am going and I say—if they hit you now—I was up here last night when [1106] I got out of the car they went to hit me. I said, wait, wait, now. They asked me where are you going and I said I'm going to see about my folks. Well, that's how they are. Poor Mr. Lightfoot. Did you hear about him? (Yes) I hope the sheriff hears this. Some of your buddies went over—you know, Mr. Lightfoot won't harm a snake, he wouldn't march if you pulled him by his side down the street. And here was this man working over in his shop, working on refrigerators, and the highway patrol went in there and drug him out, and we are going to show you, and beat him almost to death for no reason.

Now, why didn't they, if they were going to beat somebody, beat the one that threw the rock. I don't have any objection if somebody throws a rock, I'd go get him, too, but don't beat innocent folks.

Now, we got pictures to show you that they were lying. This is how wrong you are. Last night you were cussing us and calling us so and so, pushing us in the cars, hitting us with the butts of rifles; here's a man, one of our men who got shot last night for no reason, buckshot is what you were using on human beings. Not on animals but somebody. We are your friends and they've been untrue. If we were your enemy, white folks, listen good, Jefferson County—Claiborne County, you wouldn't wake up no

more. (Audience participation.) (Amen) We want you to understand that. We are your friends. Don't you know that we know that ninety-nine and three-fourths white folks are lazy? (Audience participation) We make your bed up, we make a pot of coffee for you every morning, and we take care of your little snotty-nosed children while you are laying in bed. (Applause) You got to understand how dead-head you really are. We are your friends. We're your friends. [1107] (Inaudible) Why don't you stop this kind of brutality? If you had to call them in last night we could have come in for you and if somebody is wrong, put them in jail. Nobody is against that. We're not going to let nobody do wrong. White folks and black folks. I mean that. I am not going to mistreat nobody.

Now, last night you could have put all of us in jail. We wouldn't have minded. You've got a way to put us in jail. You arrested us before and we didn't give you no trouble. So when you come cussing us and beating us, we ain't going to take that, white folks. You are going to make us mad after awhile. If we get mad, we are going to do something to you. (Applause) Then you are going to have a job.

Now listen, we know we can't outshoot you all. (Right) We know we can't out bomb you all. We got our young folks that can out steal you though. (Applause) Whatever happens to our white brothers in this county, you made it possible. We ask you in all fairness, let's get together here, white folks. Let's work together. There is not going to be no peace in this town for you until there is peace for all of us. Now you understand that.

Now, all the talking I have done this evening I am about through. It won't mean a thing unless we are willing we get together.

I go all over this country, and I ought not tell you white folks this, and I tell other white folks that some day we are going to get together in Mississippi, black and white, and work out our problems. And we are ready to start whenever you are. If you are ready to start, we are. We

ain't going to let you push us, not one inch. (That's right.) If [1108] you come on beating us, we are going to fight back. (Right) We got our understanding. We are all God's children. The same man that brought you all here brought us. You could have been black just like we are. We could have been white and baldheaded just like you are. (Laughter) (Inaudible) We are going to work hard at this, Dan. We are going to be organized this time. We ain't going to be bought off and talked off. We are going to elect the county sheriff here this next time that don't need the highway patrol. Now, you see, Dan had a good chance to set himself up right, but he goofed it. He goofed. (Yeah) He blew it. (Laughter) Don't forget that, heah. (Right) It brings back memories like you know you remember things we do.

Now, if you don't think it is necessary, we don't have to go back to the church. If you want to go back there, we can. I want you to make sure here that we are going to leave this town to our white brothers and we ain't coming back no more until all our requests have been met. Is that the common consent of all of you here? (Applause) (Let's go back to the church.) All right. Are we willing to make sure that everyone of us will be sure that none of the rest of our black brothers violate our . . . (Yea) We are all saying it now. Let's not say it now so much on my part. You know, I'm just sort of leading, you know, how these lawyers are, leading our folks on to say what has to be said. And that's the case. Let's make us a white town. We would like for you to start it. Be courteous now. Don't mistreat nobody. Tell them, in a nice forceful way, the curfew is going to be on until they do what we ask them.

[1109] I guess we will meet Tuesday night. I guess we can. I don't know. We better ask our white brothers can we meet. If we can't meet Tuesday night at eight, we will meet at seven. We are going to meet. (Inaudible) . . . to have a peaceful assembly. Now, First Amendment—the right to assemble. We are going to meet Tuesday night. If

necessary, we will meet before then. Now, tomorrow at three o'clock we are having our big rally at the school. Now all you come. Dr. Henry will be here to tell you about what we are going to go do and please come and hear him. He is not as fireball maybe as some of your brothers, but he is a good, sober-minded leader. So let's be sure we come out tomorrow at 3 o'clock.

Now we would like to ask our white brothers again, you can get your highway patrol out, we give you our word, you don't need them no more. There won't be no more excitement. I promise you that. There won't be nobody around.

Now you fellows go on home and take care of your homework. (Yea) Hold it, now. Let's quietly go back to the church this way. Let's go out and march that way. Let's go out and around to the church this way.

* * * *

[CROSS EXAMINATION]

[1131] Q The speech where you said Charles Evers spoke on April 1st of 1966, did he say anything about using peaceful means or that they were going to be violent? How did he say they would obtain these requests that they made?

A He said they weren't going to trade with the merchants and any Uncle Tom that broke the boycott would be—their necks would be broken by their own people.

Q All right. And the people who—or the means that the people boycotting were to use, was that supposed to be peaceful or violent to keep people out of the stores? What did he say about that?

[1132] A I don't know whether he said it in that speech, but he told them in public speeches before the courthouse said, "If you——"

Q No, sir, I'm talking about the speech of April 1st now?

A April the 1st? He just told them that if any Uncle

Tom traded with them, said, break their necks. He said their necks would be broke by their own people.

* * * *

[Witness Barbara Ellis]

[DIRECT TESTIMONY]

[1188] Q Do you know when you first heard the term "black hats" or "deacons for defense"?

A Oh, yes.

Q Who were they?

A They were on the street just about constantly.

Q Were they black or white?

A They were black.

Q Did they wear any type of——

A They wore black hats, black silk shirts and black pants and black shoes.

Q Can you identify any of the defendants as being in the "black hats" group?

A The ones that I knew from sight were James Whitney and Peter Davis.

Q Who?

A Peter Davis.

Q Did you know any of the others?

A McLawrence Kelly and Bobby Kelly.

Q Are those the only ones that you know?

A Well, Eddie Lee Wells I knew.

Q He was a "black hat"?

A Yes, he was a "black hat".

Q Any of these that you just named, did you ever see any of them stop any of your customers?

A Oh, yes, they stopped any black customer that wanted to go into a white store.

[1189] Q What would they do?

A Well, they would just grab them and threaten them and they couldn't go in. And they have grabbed people with their goods. I came upon this unhappy occasion.

They grabbed their purchases if they went into a white store. It was just over when I got on the scene. All I saw was the woman crying and her goods scattered all over the street.

BY MR. WILSON:

Your Honor, I move that that prior testimony be stricken. She just testified she was not there; she did not see it happen.

BY THE COURT:

I thought she did testify she came upon the scene and saw the goods scattered all over the street. And I am going to overrule your objection. Let the record show that this lady did not state that she saw the incident take place; that she did see the goods scattered all over the street when she came upon the scene. Let's find out who was present there, will you please?

Q Who was there?

A The customer was a Mrs. Olivia Parham. I think she spelled her last name P-a-r-h-a-m. This was not in front of my store. This was in front of George Ellis Food Store. I was on my way to the bank.

Q Who else was present?

A I didn't take notice of anyone else.

Q Well, I mean was it one of the four or five that you just mentioned?

[1190] A I did not see. I came upon the scene and they had gone.

Q She was the only one left?

A That's right. Possibly her husband; I don't remember.

BY MR. WILSON:

Your Honor, I renew my motion and ask this be stricken. This testimony is tied in no way to any of

the defendants in this case or any of the people that she named.

BY THE COURT:

I sustain the objection under those circumstances, and it will be stricken. All right, Mrs. Ellis, I want you to tell if you saw any of these people wearing the black hats personally stop the customers and take merchandise away from them?

A I did not see them take any personally.

Q Did you ever see them stop any of your black customers?

A Yes, they stopped customers.

Q Who was it that you saw them personally stop customers?

A I did not make a record of it.

Q Can you remember who it was?

A No, I do not.

Q But they were wearing black hats?

A That's right, they were.

• • • •

[CROSS EXAMINATION]

[1198] Q Mrs. Ellis, you named quite a number of people you said that stopped people from going into your store. Well, actually you named five. Are these the people you saw stopping people from going in your store: James Whitney, Peter Davis, McLawrence Kelly, Bobby Kelly, and Eddie Lee Wells.

A They are possibly not all of what we call the Black Panthers—I don't know, but they were the only ones that I knew.

Q Did you call them Black Hats or Black Panthers?

A I didn't call them anything. I heard them called Black Panthers.

Q Did you see these people on the streets?

A Oh, yes.

Q You see them stopping [sic] people from going in the stores?

A Yes, every day.

[1199] Q How did they stop them?

A Well, just the sight of them in a few days stopped them. Just the sight of them stopped the customers in just a few days.

Q In a few days?

A Yes.

Q A few days after what?

A When they had intimated [sic] them and threatened them and told them what they would do.

• • • •

Q You said "they had threatened". Who threatened who?

A The Black Panther group.

Q Did you hear somebody threaten somebody in particular?

A I stayed in my store but I could hear well enough to know.

[1200] Q Can you name any person who threatened any other person?

A I did not know all of them by name. Rev. Sam Mailes was grabbed right at my front door as he went out.

Q Did you see that?

A Oh, yes, I saw that.

Q You saw him grabbed by who?

A I could identify the boy if I saw him, but I did not know his name.

Q When did that happen?

A That was during the boycott in '66. Rev. Sam Mailes had been a customer in that store for around 45 years.

Q Was he thrown to the ground?

A Pardon?

Q Was he thrown to the ground?

A No. He was a large man, and I think it would take more than just one to throw him to the ground.

Q Was he larger than the person who grabbed him?

A Yes.

Q Did the person who grabbed him say anything to him?

A Yes. When he grabbed him, he shook him loose and he told him he wasn't supposed to trade in there. This alarmed my husband greatly because he thought he was going to see bodily harm done to Rev. Mailes. But Rev. Mailes told my husband not to worry that he was all right.

Q No bodily harm was done, was it?

A Pardon?

Q No bodily harm was done to Rev. Mailes, was it?

A Not in my presence.

• • • •

[Witness Dan McCay (Recalled)]

[REDIRECT EXAMINATION]

[1376] Q Now at the time you were on the stand last Friday, you were, also, asked about appeals for help. How many appeals for help, that you recall, best of your judgment, that you have received with regard to the boycott?

A I'll say just like I said the other day, I said many. Of course, that could mean lots of different—but I couldn't tell you; I don't recall. But I did have quite a few.

[1377] Q What were the nature of these appeals for help?

A Either that their windshields had been broken or their houses—bricks or stones had been thrown all——

BY MR. CARTER:

We're going to object to this testimony again, Your Honor, and move that it be stricken. This is purely hearsay.

BY MR. SHELL:

If the Court please, Counsel opened this up on cross-examination.

BY MR. CARTER:

I didn't open up any hearsay, if the Court please.

BY MR. SHELL:

Mr. Peters interrogated this witness and asked him about appeals for help, how many did he have, what were the results from these appeals for help. If the Court, please, this is opening the door.

BY THE COURT:

I think so. I am going to overrule the objection.

Q Will you go ahead, Sheriff?

A Some of them were from annoying telephone calls. Others from their windshields being broken out of the automobiles. Some of them from stones being thrown at the houses. Some from being shot in the houses. And some from having paint thrown on their automobile or on their homes, and some from actually physically being whipped.

[1378] Q Can you give us a reasonable estimate as to the number of complaints of this nature that you did receive?

A I'd say for sure a hundred.

Q Were any of these from whites or were they all from blacks?

A They were all from blacks.

Q Now we're talking about the period from April 1, 1965, and on through the boycott. Is this the period that you're telling us about?

A Yes. Of course, lots of them were in the City Limits that I don't handle—misdemeanors.

Q Why didn't you handle those that happened in the City Limits?

A Well, it's a custom that the police department handle those that happen in the City—the misdemeanors. Most of these would be misdemeanors.

Q There's good cooperation between you and the police department as to jurisdiction?

A Right.

Q You were asked and agreed at that time on Friday afternoon last to go back and get your records with regard to the people who were charged with various crimes arising out of these several complaints that were made. Do you recall that?

A Yes, sir.

Q Have you made an effort to obtain that information?

A I have obtained the ones outside the City Limits. I didn't, of course, bring the ones in the City because charges weren't through the County J.P. system. I think I have the names of all that were charged.

[1379] Q Would you tell us the names you have and the charges and dates?

A Well, I had mentioned earlier, we have Calvin Bailey was charged with shooting in a dwelling. That was on 8-23-66, August 23, 1966. There was shooting in two dwellings. Another in the same incident is Elmo James Scott, that's the same date, August 23, 1966.

Q In whose dwelling were they charged with shooting into?

A James Gilmore and Phil Gilmore.

Q Go ahead.

A And on the same incident James Bernard Whitney on August 23, 1966.

Q Have you got another name there?

A I also have Rudolph Shields on June 3, 1966, was charged with trespassing, profane swearing in public places, threatening persons from lawfully trading with a merchant.

Q Do you have the merchant that he was supposed to be threatening the person not to be trading with?

A Mrs. Bearden.

Q Where is that?

A That was at Pattison.

Q Pattison is where?

A That's a little community eight miles east of Port Gibson on Highway 547.

Q Do you have the name of the person he threatened or was said to have been threatened?

A No, I don't.

[1380] Q Do you have any independent recollection of who that would be?

A I know the person but at this moment I can't call the name.

Q Was it a white person or a black person?

A A black person. It was two of them, a woman and her daughter.

Q Do you have others listed there?

A I have a Amy Marie Collins. She was charged with using profane language in public places. It stemmed from——

BY MR. CARTER:

I object to what it stemmed from.

A Okay.

Q What date did that occur on?

A I have that on April 8, 1966.

Q Where was this supposed to have occurred?

A In front of Howards Grocery on Highway 18.

Q Is that outside the City Limits?

A Yes, sir.

Q Go ahead.

A And I have Mack L. Bailey charged on August 10, 1969, with picketing in public street and blocking traffic.

Q Where was this?

A This was in Hermanville.

Q Is that another small community?

A Small community in Claiborne County. It's on Highway 18.

Q Do you have another one?

[1381] A I got Henry Anderson.

Q Will you spell that name for the Court please?

A (Spelling) A-n-d-e-r-s-o-n. This was on April 6, 1966. An affidavit was charged against him for assault and battery with a deadly weapon.

Q Do you have the name of the person that was involved?

A I believe it was Emerson Davis that signed the affidavit.

Q Where is this supposed to have occurred?

A This was supposed to have occurred inside the City Limits around Wolfe's Store.

Q Have you found any more?

A That's the only ones I have found outside the City Limits.

* * * *

[1388] Q Sheriff, you have testified with reference to an arrest being made arising out of an incident in Pattison, Mississippi, where you said a woman and her daughter were supposedly stopped. Do you recall this incident I'm talking about?

A Yes, sir.

Q And I believe you testified these were both black people, the woman and her daughter?

A They weren't stopped. They were sitting on the front porch of this store, and this Rudolph Shields allegedly came on the porch twice and told them to get off and used profane language and threatened them if they didn't get off.

* * * *

[RECROSS EXAMINATION]

[1392] Q What was the disposition of these criminal cases you testified about?

A Some of them I can't remember. I don't know whether you have ever tried to look up J.P. dockets. You don't find—I couldn't even find one set of dockets in Dis-

trict V where this incident happened, Pattison. And I don't always carry on my cards the disposition, because it's on the Judge's docket and not mine. On this Henry Anderson, [1392] I went to the Circuit Clerk and she couldn't find any record of it, even though my records indicate he was bound over for Grand Jury. I don't even remember on that particular one what happened to it; whether it wasn't found a true bill—I'm sure it wasn't never tried.

Q Would it be fair to say that you don't know what the dispositions were on these?

A Most of them, no, I don't. Some of them I do, but most of them I don't.

* * * *

[Witness Rodney Porter]

[DIRECT EXAMINATION]

[2041] Q When these speeches were made by Charles Evers, would you give us the year that you recall they were made?

A It was from the time I came to Port Gibson until the time I left, which would be '66, '67, '68 and the first part of '69.

Q Do you remember the nature of what Evers said in these speeches to the crowd?

A More or less, yes, sir. The best I can put it, there would be a boycott put on the town of Port Gibson unless certain demands that had already been given to the Board, the Mayor and Board of Aldermen, before I came there, unless those demands were fulfilled, and that was, I think, the main purpose of this boycott.

Q Did he make any observations or comments with regard to those who might violate the boycott, the black people who might violate the boycott?

A You mean on what might be done?

Q Yes.

A Ah, yes, sir.

Q Do you recall the nature of what he said?

A Not in exact words, but approximately.

Q Give us your best recollection.

A The first one that I remember when the boycott was put on, it was just a short speech saying why the boycott was going to be put on. The second one which was either two or three weeks difference in the first one and the second speech and the march, that if the black people broke the boycott by going into these stores, that they would pay for it one way or the other, and in different ways they did pay for [2042] it, the ones that went in there.

Q Did you observe any black people stationed on the streets at periodic intervals there in the town, at periodic areas during the time you were there in your work as a policeman?

A Yes, sir.

Q What was the general appearance of these people as to any particular kind of wearing apparel they might have?

A Most of them, the ones that could afford it, wore black outfits, black clothes, black shirt, pants, and big brimmed black hats. Most of the time they were the bigger group. When I say bigger, I mean in size, that stood around on the corners there. They all were about the same size.

Q How often would you see these people standing on the streets?

A Daily.

* * * *

[2043] Q How would they conduct themselves insofar as to how many were marching abreast, whether or not anyone could get through their marching line if they wanted to go in and trade at a store?

A If there were plenty of policemen and patrolmen patroling the streets and standing around, it was—the

marches were orderly, two abreast, but if a policeman turned his back, then they doubled up three or four abreast, but they did march peacefully two abreast especially when they came in front of the police station going down and coming back.

* * * *

[2046] Q In 1966, the latter part of 1966, when you came there as Chief, and even before that if you know and thereafter, did you observe whether or not any of these watchers, the men with the black hats, as we have described them, were armed, had firearms with them?

A No, sir. If they were armed, it would be under their clothes where it couldn't be seen.

Q As far as you know, they were not armed?

A No, sir.

* * * *

[2047] Q Did you ask them why they were on the streets?

A Yes, sir.

Q How did you ascertain that?

A I asked them.

Q Do you remember whom you asked?

A Yes, sir. If I could ask a question, I could give you the fellow's name.

Q Go ahead.

A The boy worked at Thompson Funeral Home at the time.

BY MR. CARTER:

Walker, George Henry.

BY THE WITNESS:

A George Henry Walker. I talked to him on several [2048] occasions.

BY MR. SHELL:

Q Was he stationed on the streets?

A Not stationed. He was moving around. A couple of times, he was in my office there, and I asked him what was the purpose of them being there was.

Q Did he tell you?

A To enforce the boycott.

Q Did he say how they were going to enforce the boycott?

A He said that they were watching the stores, and that they felt that if a person went into one of the boycotted stores, broke the boycott, that they were going to have a talk with them and see that it didn't happen again.

• • • •

[2050] BY MR. SHELL:

Q Would you tell us who it was, Mr. Porter, with reference to the package of alcoholic beverage that was taken away from these customers?

A Yes, sir. I can't tell you the name of the person that took it, because——

Q I mean the one who saw it being taken?

A Yes, sir. In this one particular case that I am referring to, it was around behind one of the colored juke joints. It was a pint of Old Crow taken away from one Emerson Davis.

Q Did you see that happen?

A I saw it. Yes, sir.

• • • •

[2053] Q I call your attention now—well, let me ask you this. Did you witness any other incidents where the Deacons for Defense or the black hats made any action or any motion or interfered in any way with any of the customers of stores on the streets of Port Gibson?

A There was one other incident, but it wasn't with a customer.

Q Who was it with?

A It was with a distributor.

Q Tell us about that.

A Holsum Bread distributor.

Q Just relate what you know about that.

A Mr. Green, the Holsum Bread man. I can't think of his first name, but I will. He had an armload of bread taking it into one of the stores, Arthur Wyatt's store.

Q Arthur Wyatt's store?

A Yes, sir. That is on the corner of Fair Street and something else.

Q Is Fair the colored district in there?

A Yes, sir.

[2054] Q Please continue.

A In doing so, when he went in, Rudy Shields and I don't remember the other boy because I really never did get his name—he was from out of town to the best of my knowledge—took this bread and threw it on the street out of Mr. Green's arms.

Q Did you witness that yourself?

A Yes, sir.

Q Approximately when was this?

A This would have been in the early part or the middle part of 1970, to the best of my knowledge.

Q After that——

BY MR. CARTER:

Your Honor, I am confused about something. I think the witness testified that he left Port Gibson in 1969.

BY THE COURT:

I understood he left in October, '69.

BY MR. CARTER:

Yes, and now he is testifying as to something that happened in 1970.

BY THE WITNESS:

A 1968. It was the middle year that I was there. I just got my years mixed up. The middle year that I was there. It would have been '68.

BY MR. SHELL:

Q In any event, it did occur while you were employed as a policeman on the force at Port Gibson, Mississippi? [2055] A Right.

Q After that, do you have any recollection of any other such incidents?

A No, sir.

• • • •

[CROSS EXAMINATION]

[2105] Q You also testified this morning, Mr. Porter, that when you heard Charles Evers speak that he had said black people who broke the boycott would be taken care of, and they were taken care of. Can you develop that a little more fully for us? How many people broke the boycott and how many were taken care of?

A I can't tell you how many broke the boycott, but I did testify of a couple of instances where the boycott was broken and how they were taken care of to a certain extent.

Q Do you know of any others besides the ones you testified to?

A No, sir.

• • • •

[2107] Q Let me draw your attention back to the Emerson Davis incident where you observed some people take some whiskey from him, I believe you testified?

A Yes, sir.

Q Can you tell me who the names of the people or persons were who took the whiskey from Mr. Davis?

A Ah, Rudolph Shields better known as Rudy Shields was one of them, and Alfred Lee Davis.

Q What was the disposition of the charges brought against them for that?

A If I remember correctly, the charges read destroying personal property. That is my best knowledge of it.

Q Did you arrest them on the spot?

A Whenever they took the bottle? No, sir, those charges hadn't been filed at that particular time.

[2108] Q Describe for me if you will, Mr. Porter, exactly the process—you are a police officer, and you see what appears to be a crime taking place in your sight. Did you then go and file a charge or did you ask Mr. Davis if he wanted to? Just describe what happened after you saw this to the point where Rudy Shields and Alfred Davis and maybe some other named individuals were arrested?

A I was approximately half a block away at the time, not quite half a block away. Of course it is a short block, and after this had taken place, I talked to Emerson Davis, and he told me that he wanted to make a complaint because they had taken his whiskey that he had just bought. We walked up to the police station. He signed an affidavit against them, and it was about an hour or so later before they were arrested because I couldn't find them at that particular time.

Q I asked your earlier and I don't think—maybe you didn't understand my question—what disposition was made of the charge. They were brought in. Did you have a trial right there before the Mayor at that point, or——

A They were taken into City Court. City Court was held on Friday mornings at that particular time at 10:00 o'clock, and they were found guilty. I think the case was appealed to Circuit Court, and I don't really remember what happened from there.

Q Can you tell us, Mr. Porter, approximately when that incident occurred? Was it in the early days of the boycott in '68 or '69?

A I would say somewhere in the neighborhood of [2109] '68 because it was a good while after I had been in Port Gibson.

Q You also testified about another incident this morning involving a bread delivery man or something, Holsum Bread. I think you said you witnessed that?

A Yes, sir.

Q Can you tell me what action you took at that time when you witnessed that incident?

A About the same thing, really. I didn't know the man that was on the bread truck just by sight, and he left his helper standing right there where it took place, and he walked—this was taking place at the same place the other one was, within 15 or 20 feet. He walked up the street to where I was at and told me that he wanted to press charges against these people. At the time, he didn't know who the people were. He pointed them out.

Q He signed an affidavit and you went and arrested them?

A Right.

Q Can you tell me what disposition was made of those charges?

A They were found guilty in City Court and it was appealed.

Q You don't know what happened on the appeal?

A No, sir. I don't know.

Q How far apart in time were these two incidents?

A I would say approximately a month or so, maybe longer.

Q In your best recollection it was sometime in the early part of '68?

[2110] A Right.

* * * *

[2133] Q Tell me, Mr. Porter, whether you arrested anyone for conduct which was directly related to the boycott?

A Would you ask that question again?

Q Do you recall arresting anyone for say marching in the street or picketing too close to someone's store or [2134] doing something else that you thought was illegal

and that you also thought was in furtherance of the boycott?

A No, sir.

Q Other than the arrest of Rudy Shields and Al Davis which you testified to—I think you arrested Shields twice on two separate incidents—did you make any other arrests that you thought was associated with boycott activities?

A The arrests that I made, charges had been filed by somebody else.

Q Do you recall arresting anyone else on charges filed by someone alleging that these people had threatened them, pointed guns at them, or prevented them from going in stores?

A Eddie Lee Wells.

Q Can you tell me what he was arrested for?

A I testified earlier that was in the Johnnie Cox case.

Q Do you recall any others?

A Alfred Davis.

Q Was that in connection with the Emerson Davis case?

A That was in connection with the—

Q Bread—

A The bread case.

Q Do you recall any others?

A Not right offhand.

Q Would I be correct, Mr. Porter, in assuming that you would faithfully carry out your duty and arrest [2135] anyone that you saw committing a crime in your presence?

A You mean now?

Q Then and now.

A Yes, sir.

Q Other than the three or four incidents that you testified to, you made no arrests of people for activities that were associated with the boycott as best you recall at this time?

A Not that I recall.

[2136] Q You testified this morning that you were asked by Sheriff McCay to assist him in the investigation of the shooting into the home of Mr. Gilmore. Can you tell me what the result of that investigation was?

A No more than what I stated this morning, that we went down and investigated the shooting where somebody had shot into the house. We found the holes in the house, in the door and windows, where shots had gone through.

Q Do you know whether anyone was arrested and charged?

A I don't know, because we went back to town after [2137] we went down there. If I am not badly mistaken, Sheriff took some pictures, and we went back down, and he took it on from there.

Q As far as you know, Mr. Porter, did that have anything to do with the boycott?

A I don't know.

Q Do you recall, Mr. Porter, ever getting a report that one of the merchants in Port Gibson had pointed a gun at one of the picketers?

A I remember getting a call that a merchant had pointed a gun at somebody.

Q Do you remember who that was?

A The merchant?

Q Yes.

A Yes.

Q What was his name?

A Mr. Jones.

Q What kind of business was he in?

A At the time he was in a partially furniture store business.

Q Did you conduct any investigation of that?

A Well, the person that made the complaint wouldn't file any charges, and of course I asked Mr. Jones about it, and he denied it, but that was the only thing. It was just a report, but the person wouldn't file a complaint.

Q Do you remember who the person was?

A No, sir.

* * * *

[REDIRECT EXAMINATION]

[2176] Q Did you have any complaint made to you of an incident by a black man known as Preacher White?

A Yes, sir.

Q Tell the Court what that was about.

A Preacher White was supposedly supposed to be a brick mason. He lived on Market Street, South Market Street, just down from the police station a few blocks. He came up one morning complaining to me or one afternoon—excuse me—one afternoon right after lunch that a group of people, young colored males, had pulled his overalls down. He wore these big overalls, and he just had one strap hooked. He never did hook the other one. He was a big man. [2177] They had pulled his overalls down and just whipped him something terrible.

Q Who had beat him?

A He said a group of young colored males.

Q Did he identify them to you?

A No, sir, he didn't.

Q This incident that was reported to you reportedly occurred during the course of the boycott?

A Yes, sir.

BY MR. ROYALS:

Your Honor, I object again on the grounds—

BY THE COURT:

Mr. Royals, let the record show the objection, but I might add here, Mr. Royals, in regard to this testimony that this gentleman is testifying not as a complaint [sic] in this case, but he's testifying as an official of the town. He is testifying as the Chief of Police, and he is testifying about complaints that came to him. Unless these things were reduced to writing and placed in the form of an affidavit, I would know no way for this to get into the record unless he could testify as to what these people told him. I think under these circumstances where he is an official, where peo-

ple applied to him for help, that it is fair that the testimony be admitted in evidence. All right, sir.

BY MR. SHELL:

Q Did you have any further discussion with Preacher [2178] White with regard to any specific incident where he had traded with a white-owned store?

A It wasn't a store. He complained of being threatened for buying gasoline at a service station just to run a lawn mower with, a two gallon can of gasoline.

Q Was this the same incident where he complained of being beaten or was this another occasion?

A This was a different time.

Q The service station that sold him the gasoline, was it white-operated or black-operated?

A Yes, sir, it was white-operated.

* * * *

[2179] Q Did you receive any complaint from a white man driving a truck for Dan McCay, the white man being named Marvin Hynum?

A Yes, sir.

Q Tell the Court about that.

[2180] A Here again, it was one of these cases that had to be turned over to the county officials, but he complained of rocks being thrown as he was going down Anthony Street which after you go down Anthony Street so far there toward the school, you run out into the county, once you leave that street going on to the school campus, and it happened right at the intersection there.

Q Did he tell you who had thrown the rocks?

A He did not know.

Q Did he tell you whether they were black or white people that threw the rocks at him?

A They were black teenagers.

Q Did you have any complaint from a colored man by the name of Johnny Shorter with reference to any interference with the delivery of milk?

A Not—well, he was with Marvin Hynum in this incident. That is the only complaint I have, the two of them together.

Q Did this occur during the course of the boycott?

A Yes, sir.

• • • •

[RECROSS EXAMINATION]

[2185] Q With regard to Preacher White, you don't know who those people were who allegedly pulled his pants down and whipped him?

A No, sir.

Q Did you do any investigation of that?

A As far as I could.

Q Can you tell me what that investigation consisted of?

A Trying to find out the names of the people that did it.

Q How did you go about doing that?

A Asking descriptions, clothing descriptions.

Q Do you recall approximately when this happened?

A No, sir.

Q Was it early on in the boycott or late in the boycott? You did testify it was during the boycott?

A Right.

Q Was Preacher White observing the boycott?

A No, sir. He shopped where he wanted to.

Q And you saw him also going in and out of stores?

A Yes, sir.

Q Were there Black Hats on the street at the times when you saw Preacher White going in and out of the stores?

A Yes, sir.

Q Did you ever observe any of the Black Hats physically accost Preacher White as he was going in and out of the stores?

A No, sir.

• • • •

[2188] Q There was a separate incident with regard to Preacher White. I think you testified that he told you he was [2189] threatened for buying gasoline?

A Yes, sir.

Q Was he able to tell you who threatened him?

A Yes, sir.

Q Can you tell us who it was?

A I can't give you his name, but I can tell you what he does for a living.

Q That may be helpful.

A He is a painter. Weathers. Albert Weathers.

Q Did Preacher White make a formal complaint?

A He made an oral complaint. He didn't sign anything.

Q Did he refuse to make a formal complaint?

A You mean to sign an affidavit?

Q Yes.

A Yes, sir.

Q Do you know what his reason for coming to you with an oral complaint was if he didn't want anything done about it?

A Yes, sir.

Q What was that reason?

A That I might—he was afraid to sign an affidavit—afraid of what might happen to him later, and he just wanted me to know what went on where I could kind of keep a watch around his house. The same way with all these people.

Q None of these resulted in formal complaints?

A As far as a signed affidavit, no, sir.

• • • •

[Witness Elmo Scott]

[CROSS-EXAMINATION]

[2755] Q Now, when you went to these meetings and you heard the boycott called and put on, don't you remember that Charles Evers said, "We're going to leave town

by noon today or 1:30. We're not going to be around to trade with any of these merchants and they'll just have to do the best they can and find out that they need us to trade with them. I want you all to either go back to the church or go home, but don't come downtown in downtown Port Gibson and trade"? Do you recall that?

A Right.

Q Charles Evers said that in that speech on April the 1st, 1966, didn't he?

A Right.

Q And he also indicated at that time that if anyone violated the boycott they would be dealt with, did he not?

A They would be what?

Q They would be dealt with.

A What you mean "dealt with"?

Q You don't understand the term?

A Right.

Q Well, I don't know exactly what he meant either. I'm seeing if you remember any particular language that he [2756] used.

* * * *

[2843] Q Mr. Scott, just as we were recessing at noon, the Court asked you something with reference to the Deacons for Defense and he deferred asking you anything further about it. I want to ask you about the Deacons. Do you know what I'm talking about?

A Yes.

Q Were you not Secretary of the Deacons?

A Yes.

Q When were the Deacons organized?

A It was organized in the summer of '66.

Q And who was responsible for the organization being put together?

A It was a group of young men.

Q Well, somebody had to be leader. Were you [2844] leader of the group of young men?

A No.

Q Who was the leader?

A I believe it was George Walker.

Q George Walker?

A That's right.

Q Is he the one who's off somewhere in school now?

A Right.

Q I see. And how did it come about that you knew anything at all about it? Did George Walker contact you?

A No, he didn't.

Q How did you learn about the organization?

A Well, I was in the group during the time they were discussing it.

Q In what group?

A Well, a group of young men.

Q Well, did George Walker call a meeting of a group of young men whom he had selected and wanted to meet with him to discuss this organization?

A No, he didn't call no special group.

Q You had to have some way of knowing how to get together. How did you know to meet?

A Well, I think he had got in touch with everybody some kind of way.

Q And he got in touch with you, too, didn't he?

A Well, yeah.

Q He either personally got in touch with you or sent you word that he wanted to meet with you, didn't he?

[2845] A Yeah.

Q Where did you meet?

A We met downtown, next door to Alexander Collins' barbershop.

Q Next door to his barbershop?

A On his parking lot.

Q I see. Did you meet in the daytime or in the nighttime?

A In the afternoon.

Q Still daylight?

A Yeah.

Q What did George Walker describe to you as what he expected to accomplish by this meeting? What was he trying to get done?

A Well, he described that we could organize a club as the Deacons, and then he elected President and Secretary and Treasurer.

Q Right. And what was the club supposed to do?

A Well, after the club was set up and everything, he asked the members to, after the boycott had started, asked them would we help to keep the black people from going into the stores.

Q You were going to be the enforcers of the boycott, weren't you?

A Beg your pardon?

Q You were going to enforce the boycott, weren't you?

A Say we were going to enforce the boycott?

Q Right. By keeping the black people from going in the white stores.

[2846] A Right.

Q Wasn't that your purpose?

A Yeah.

Q And that was the sole purpose of your organization, wasn't it?

A Yeah.

* * * *

[2860] Q I call your attention to page 30 on Exhibit C-23 and ask you if there is a list of the membership of the Deacons.

A Yes.

Q Would you read those names off, please?

A Douglas Atlas, Alonzo Atlas, Morris Atlas, Roosevelt Anderson, and Henry Anderson, Calvin Bailey, Timothy Barnes, John Brooks, Robert F. Butler—

Q Is that John Booker?

A Brooks, B-R-O-O-K-S.

Q I see. O. K. Go ahead.

A Robert F. Butler, Alfred L. Davis, and Jimmy Ellis.

Q Let me ask you this. There is a figure out to the side of Jimmy Ellis, 6.15. What does that mean?

A This is where he caught up on his dues.

Q Is that your writing, that 6.15?

A Yeah.

Q All right. That's $6.15 dues he paid up?

A Right.

Q All right. Go ahead.

A Charles Groves, James Greer, James Goldsberry, Andrew Gusta, Robert Harris, Roosevelt Henry, Lewis L. Johnson, [2861] Hugh Johnson, George Jenkins, Ernest Jones, Nathaniel Jones.

Q All right now, turn over to page 31. Is that a continuation of the list?

A Right.

Q Would you read those names out to us, please?

A Melvin Kilcrease, Carl Lipscomb, Charles C. Lipscomb, Charlie Miller, Nathaniel Minor, Phenix Moble, James Odom, Kenneth Odom, Frank Porter, Lawrence Rice.

Q Now, by Lawrence Rice's name appears $10.35. What is that?

A He was catching up on his dues.

Q He caught up on his dues?

A Right.

Q All right. Go ahead.

A Elmo J. Scott, James Scott, Willie Shorter, Bill B. Smith, Melvin Thomas, Jody Toliver, Willie Toliver, George E. Walker, Juliue [sic] E. Warner, Walter Wilson, Sidney Wilson, James B. Whitney, Bobby L. Wood, Leonard Wilson.

Q And the last name on page 32?

A Rudy Shields.

Q And what is that beneath that, that notation?

A "For paper".

Q And the two figures that amount to $16.40 beneath that, are there not?

A Right.

Q What does that mean?

A What?

Q What is this about, "for papers"?

A That was paper that they bought to picket with.

[2862] Q Oh, your signs, your picket signs.

A Right.

Q Did you assist in making the notations on those signs?

A Did I assist in making the notations?

Q Yes. What the words were on the signs.

A No, I didn't.

Q All right.

BY THE COURT:

Mr. Shell, there is one thing here. These figures, $10.35 and $6.15, correspond, I believe, with these figures that you have already noted. I didn't know whether you noticed that or not. You might wish to question the witness on that point.

Q Were the two caught-up figures you were talking about, $10.35 and $6.15, monies you collected from those two individuals?

A Right.

Q And then did you pay that money over to Rudy Shields?

A No.

Q Is there any reason why these figures are exactly the same as those two on the preceding pages of 31 and 32?

A No.

Q Now then, did you meet every Monday night while you were actively engaged in the work of the Deacons?

A Yes.

[2863] Q These individuals whose names you have read, were every one of those black men?

A Black.

Q Were they all members of the NAACP?

A Right.

Q At the time that your organization was put together, I believe you said George Henry Walker was the one who called you together.

A Right.

Q Was he then President of the NAACP?

A Not then.

Q He later became President, did he not?

A Right.

Q Now, on page 6 in Exhibit C-23, I take it this is in your handwriting, too, is it not?

A Right.

Q What is this sentence about the fourth paragraph down? What does that say? Can you read that writing?

BY THE COURT:

What page are you on?

Q Page 6. Does that now say, "Mr. Seal suggests we pay for our weapon. There have been a deadline set for this"?

A Right.

Q Isn't that what it says?

A Right.

Q What are you talking about there?

A Well, Mr. Shields had suggested that everybody that wanted to own his own weapon, they would have to pay for [2864] it themselves.

Q What kind of weapons were you talking about?

A A rifle.

Q Did you have rifles as a part of your membership in the organization?

A No.

Q Well, why would you make a notation in your minutes about them if they were not connected with the Deacons?

A Well, that's what was discussed at the meeting at the time.

Q What was discussed at the meeting at the time?

A About the weapons.

Q Well, what were you going to do with weapons?

A For protecting.

Q Had you been threatened on the streets?

A Yeah.

Q By whom?

A By several whites.

Q And you were going to arm yourself with rifles to protect yourselves? Is that what you're telling the Court now?

A Well, at the time, they had weapons in the back of their trucks, hanging across the back windows.

Q Don't you know every farmer in Mississippi carries a shotgun in the back of his pickup truck to shoot birds and squirrels and other game and hawks that come across their fields?

A Well, it wasn't very many at the time that would [2865] carry weapons in the trucks.

Q So you were going to arm yourselves with weapons to protect yourselves, and Mr. Shields suggested that you pay for your own. Is that what you're telling the Court now?

A Yes.

Q All right. Now, on page 7 of this Exhibit C-23, there appears a notation, the last paragraph on that page. What does that say?

A It says, "The President and two more members went to Fayette to pick up some straw hats which sell for $3.50 each."

Q That was dated July 6th, 1966, was it not?

A Right.

Q Now, these straw hats were black straw hats, were they not?

A Right.

Q This was part of what you were going to use as your identification as you were the store watchers on the streets of Port Gibson, wasn't it?

A Yeah.

Q O. K. On page 8 of Exhibit 23 appears a list of items, and one of which, the third from the bottom, is July 5, $7.07 helmet. Is that correct?

A Yeah.

Q What kind of helmet were you buying?

A It was a black helmet.

Q A black helmet?

A Yes.

[2866] Q Was it metal?

A No. It was a plastic, sort of like.

Q Well, what was the purpose of the black helmet?

A Well, they never did buy the helmet.

Q That isn't what I asked you. What was the purpose of it? Why did you make an entry of $7.07 on July 5 for a helmet?

A That's what some of the members suggested that they wanted.

Q They wanted black helmets instead of black straw hats.

A Right.

Q And that would still be a part of the Black Hat group, would it not?

A Right.

Q And that was still your identification so the buying public would know that you were there watching to see to it the boycott was enforced, wasn't it?

A Right.

Q Your answer is correct?

A Yeah.

Q All right. Now, on page 10 of Exhibit C-23, the very first top notation after the date July 11, 1966, reads—

and you correct me if I'm misreading this—"Walkie-talkie will be passed out the one that are on guard that night."

A Right.

Q Had you acquired some walkie-talkies?

A Had we did what?

Q Had you bought some walkie-talkies?

[2867] A No. Just several of the guys had walkie-talkies at home.

Q And what were you going to do with the walkie-talkies?

A Well, say, if we was at a meeting at the church, a mass meeting, maybe one guy that was standing up on the block and the next guy probably was standing at the church outside, and they could talk to each other from a distance.

Q Was that the purpose of the walkie-talkie as you recall it?

A Yes.

Q Now, you used those walkie-talkies on the streets to communicate with the watchers from one block to another also, didn't you?

A Right.

Q And when you would see a black customer come out of a white boycotted store, whoever was there would send a message down to the man on the corner or the men on the corner and tell them about this person having made a purchase in the white store, wouldn't you?

A Yes.

Q All right. Then that person at the corner who was being sent the message would stop that black customer and either get after them or take the merchandise away from them that they had bought in the white store, wouldn't they?

A No.

Q Well, what would they do when they learned of the message down the street?

[2868] A They would talk to them and ask them not to go back in and break the boycott.

Q Did you ever talk to anyone who had been in and you had received a message?

A No, I never did use a walkie-talkie.

Q You didn't use a walkie-talkie. You know what the purpose of it was, though, don't you?

A Yeah.

Q Who is Alonzo McLaurin?

A He was a member of the NAACP.

Q Was he also a Deacon?

A No.

Q Well, what is this notation on page 10 of Exhibit C-23, "That Mr. Alonzo McLaurin attend the meeting. He gave us some high points how to act as a guard"? Does that mean that Mr. McLaurin, not a member of the Deacons, but as a member of the NAACP, came down and instructed you gentlemen on how you were to conduct yourselves as watchers on the streets in Port Gibson?

A Yes.

Q Now, your watching on the streets of Port Gibson primarily was along Market Street, was it not?

A Yeah.

Q That's the main business district of Port Gibson, is it?

A Yes.

Q And that's primarily where the white stores were all located you were boycotting, is it not?

A Yes.

[2869] BY MR. SHELL:

Your Honor, I apologize for being slow, but I can't read all these things. I made turn-downs, but I'm still having difficulty with it.

(Continuing):

Q Now, on page 11 of Exhibit C-23, there appears this notation in the third paragraph, "Lewis Johnson are

going to Vicksburg to get some ammunition. It will be about Saturday." Now, what are you talking about going to town to get some ammunition?

A Well, he was going to get some so they could go out and practice targets.

Q Target shooting?

A Right.

Q Well, why were you going out to practice target shooting?

A Well, it was some guys that belonged to the Deacons that claimed that they had never shot a rifle before.

Q And you wanted every Deacon to be a real good marksman, and so you were providing ammunition for the weaponry so they could go out and practice to be good shots in case they decided they wanted to do some shooting. Is that correct?

A No.

Q Well, what was the purpose?

A Well, the purpose was everyone wanted to be able to shoot a rifle.

Q Well, this is just a nice social shooting club and rifle club you're telling us about now?

[2870] A Well, once they thought about a club like that, but they never did come to no conclusion.

Q And that never was the purpose of the Deacons, was it?

A No.

Q The sole purpose of the Deacons was to see that the boycott was observed, wasn't it?

A Right.

Q Now, I believe you testified earlier that the walkie-talkies you had involved and were talking about all belonged to the individuals already. Is that correct?

A They all belonged to individuals?

Q Yes, the members of the Deacons.

A Right.

Q Now, on page 11 of Exhibit C-23, I show you the bottom notation. "Some of the Deacons went to Vicks-

burg on Tuesday to pick up two walkie-talkies, which cost $86.84. That left the treasurer in debt."

A Right.

Q So the Deacons paid for the walkie-talkies, didn't they?

A They paid for the last two that they needed.

Q All right. Now, on page 13 of Exhibit C-23 appears a notation, "Everybody that have black hat are asked to wear them."

A Right.

Q Now, what is that talking about?

A So that you could be identified.

Q Well, who did you want to identify you; the [2871] black citizens of Claiborne County?

A Right.

Q So they would know that you were watching them when they went in to trade with white stores, wasn't it?

A Right.

Q That way you expected them to stay away from the white stores because they knew you were watching them, didn't they?

A Yes.

Q On page 19 of Exhibit C-23, which is dated June 30, 1966, you made the notation that "The President called a special meeting Thursday night with some of the members. And each leader of the group are asked to take two or three men to guard the church." Is that not correct?

A Right.

• • • •

[2872] Q Now, with reference to the notation I asked you about on page 10 of Exhibit C-23, where Mr. Alonzo McLaurin, the member of the NAACP, came to your organization and attended a meeting to give you some high points on how to act as a guard, as a guard for what?

A How to act as a guard is what he meant is how would you go about to guard the peoples and keep them out of [2873] the stores.

Q In other words, it was what would you do as a guard standing on the streets in Port Gibson to keep the black customers from going into the white stores you had under boycott, wasn't it?

A Yes.

Q And what did he instruct you to do in that connection?

A Well, he told us, he say if a lady or man was going into the store, to go up to them and ask them not to shop there because, if they did, they would be breaking the boycott.

Q They would be breaking the boycott?

A Right.

Q All right. Then what else were you to say to them if they insisted on going in?

A Well, they never did go on in.

Q You saw to it that they never made it inside the store, didn't you?

A They would always turn around.

Q Well, did you threaten them when you went up there?

A No.

Q You didn't tell them they better look out, they would have trouble at home that night?

A No.

Q You didn't threaten to throw brickbats on their house?

A No.

[2874] Q Did you threaten to shoot their homes?

A No.

Q You did shoot into a home, didn't you?

A No.

* * * *

[2875] Q How long did you maintain this Defender group?

A Beg your pardon?

Q How long did this Defender group stay in existence?

A I'd say somewhere about the last of '66 or maybe from '66 up until about '67.

• • • •

[2956] Q Were you in the group that was being drilled by Calvin Williams behind the Piggly-Wiggly store?

A No.

Q You weren't aware that there was a drill being conducted back there?

A No, I wasn't.

Q Were you aware of any drillings that went on where the Deacons were present where they were carrying weapons like rifles or shotguns?

A Say was I aware of it?

Q Yeah. You knew they drilled with weapons, didn't you, marching with them in practice formation?

A No.

Q You did not?

A No.

Q This never was brought to your attention so as to be put in the minutes.

A No.

• • • •

[2977] Q Did Mr. Charles Evers ever attend a Deacons meeting[?]

A No.

Q Did he ever make any speeches to you officers of the Deacons as to how you should conduct yourselves?

A No.

Q Yesterday with regards to the carrying of arms or weapons, you testified that some white men had threatened you. What white men threatened you?

A I didn't say any threatened me.

Q Well, threatened your Deacons.

A But I heard different ones say they had been threatened by several white men.

Q Did they say what white men threatened them?

A No, they didn't.

Q Who said they had been threatened by the white men?

A Well, I really can't remember what the man said.

[2978] Q You don't remember which one of your Deacons reported that he had been threatened by a white man or men?

A That's right.

Q When were these threats supposed to have been made?

A Beg your pardon?

Q When were these threats supposed to have been made?

A Say when were they supposed to have been made?

Q Yeah.

A Talking about when they was threatened? Say when were they threatened or something?

Q Yeah.

A Well, I assume it was during sometime when they was picketing or marching or something.

Q Your Deacons were picketing as well as marching as well as watching, weren't they?

A Beg your pardon?

Q Your Deacons were picketing then and were also marching and were also serving as watchers or enforcers of the boycott, weren't they?

A Yes.

* * * *

[2984] DIRECT EXAMINATION

BY MR. WILSON:

Q Mr. Scott, did you take home with you last night a copy of Exhibit C-23 which you have before you there?

A Yes.

Q And did you, at my request, examine it? Did you read it last night?

A Yes.

Q Can you tell me, to the best of your recollection, does it contain everything that was in the original that Sheriff McCay took from you?

A Yes, it does.

Q Would you look at page 20 of that exhibit, Mr. Scott?

[2985] A Yes.

Q Can you read the last entry on that page, please?

A The last paragraph?

Q Yes.

A "If you are a member of this organization, you are not to be using bad language. Give respect to other people on the street."

Q Can you tell the Court whether members of the Deacons were given instructions about how they were to act on the street?

A Yes.

Q Can you tell us as best you recall generally what those instructions were?

A Yes. It was given to the Deacons to give respect to the people that was on the street and, regardless of what they say back to you, for you not to use bad language to them or not to curse them or no kind of way, just talk to them in the right manner of way.

Q Did you abide by those instructions, Mr. Scott, when you were on the street?

A Yes, I did.

Q To your knowledge, was any member of the Deacons ever brought up before the group and accused of not following those instructions?

A No.

Q Did anyone from outside the membership of the Deacons ever approach you and say that some member had violated those instructions?

[2986] A No, they didn't.

* * * *

[2988] Q Again, with regard to C-23, Mr. Scott, the exhibit before you, I would like, if we can, to establish

some fairly close times as to when the Deacons were organized and when they went out of existence, as far as you know.

A Well, as far as I know——

Q Wait a minute. Would you take a look at that and tell me what's the earliest date you see in Exhibit C-23 with regard to activity by the Deacons?

A Here I see July the 1st of 1966.

Q Is that the earliest date you see in there, Mr. Scott?

A That's right. Wait. Let me check. I can't really tell whether this is June on page 1. Looks like June the 20th, 1966.

Q Does that, Mr. Scott, refresh your recollection as to approximately when the organization was set up?

A It was set up between the month of June and July.

[2989] Q Would you again examine C-23 toward the end and tell the Court what's the latest date you see in that exhibit?

A At the end?

Q Near the end. What's the latest date you can find anywhere in there?

A The latest date I see is the 8th and the 22nd.

Q Of what month?

A That was the eighth month.

Q August 22nd?

A That's right.

Q August the 22nd of what year, Mr. Scott?

A That looks like 1966, I believe it is. It's faded out here.

Q Do you recall whether that would have been August 22nd of that same year?

A Yes.

Q In 1966?

A Right.

* * * *

[2991] Q Do you recall when you were arrested in connection with the Gilmore shooting incident?

A Yes, I believe it was in '66.

Q Do you recall when in 1966?

A It was in August or the last of July.

Q At the time that you were arrested, was the minute book of the Deacons taken from you at that time?

A Yes.

Q Were you released on bond after the charges were filed?

A Yes, I was released on bond.

Q Were there any subsequent meetings of the Deacons after you were released?

A Yes. We worked for a while after we was released, after I was released.

[2992] Q Did you take any minutes at those meetings?

A No, I didn't.

Q Can you tell the Court approximately how long after you were released the meetings continued or how many weeks or months thereafter?

A To my knowledge, I think they continued about a month.

Q And as far as you know, the activity of the Deacons were discontinued about a month after you were released on bond?

A Right.

Q You don't remember precisely when that was ?

A No.

* * * *

[2993] Q Do you recall how long you were held in jail before being released on bond?

A I was held in jail from the time of between 10:30 P. M. until 6:00 P.M. the next afternoon, the next day.

* * * *

[2997] Q Can you tell the Court, Mr. Scott, what the word "enforcer" means?

A The word "enforcer" means to enforce—I can't get it together now.

Q Well, Mr. Scott, you've testified in answer to Mr. Shell's questions that one purpose of the Deacons was to enforce the boycott.

A Right.

Q Can you explain to the Court what you meant by that answer?

BY MR. PYLES:

Your Honor, I'm going to object to that. [2998] I think that's perfectly clear. He's trying to impeach his own witness.

BY THE COURT:

No. I think he's trying to find out if his witness knows what he was testifying to. I'm going to overrule the objection and let him answer the question.

Q Can you tell the Court what you meant by it when you answered yes, the Deacons were to enforce the boycott? What did that mean to you in your mind?

A What that means, well, it means, my opinion, that they was helping to keep the people from breaking the boycott, and by obeying the law and give respect to different ones.

Q Is it accurate to say, Mr. Scott, that it was to help keep people from breaking the boycott?

A Right.

BY MR. PYLES:

Your Honor, I'm going to object.

BY THE COURT:

I think that's really the meaning of the word to enforce the thing, is to see that they don't break the boycott.

BY MR. PYLES:

I'll withdraw my objection then. I understood Mr. Wilson was doing the testifying.

BY THE COURT:

Well, he just asked him, and he was replying in the affirmative. I think the man knows what [2999] the word means. He's given a fairly good definition.

Q Now, Mr. Scott, can you tell the Court, or will you tell the Court by what means the Deacons were to enforce the boycott?

A By what means?

Q Yes. In what way? What were you going to do?

A To enforce the boycott?

Q Yes.

A Well, the ways to enforce the boycott is to help by keeping black people out of the stores.

Q How were you going to keep them out of the stores, or how did you keep them out of the stores, Mr. Scott?

A Well, by just asking them not to shop where they're not supposed to, go in certain stores that they're not supposed to go in.

Q In your meetings, in your Deacons meetings, were you ever told to physically stop people from going in stores?

A No. In our meetings, we always was told to ask. We was asked to talk to the people in a mannerly way and ask them not to go in there and shop with the white merchants.

Q Were you ever told in your meetings, Mr. Scott, that you would take acts against people who went into stores, who didn't follow your advice or suggestions that they not go in?

A No.

Q Did you ever commit any acts of violence?

[3000] A No.

* * * *

[3018] Q I will ask you one more question. You said that Mr. McLaurin came to the Deacons meetings.

A Yes.

Q From the NAACP. Do you recall whether or not he was invited or whether he asked to come?

* * * *

A I don't know how he was accidentally there, but I think he heard about the Deacons getting together and he came in and he sat in on a meeting.

Q Yeah. Now, did he instruct you as to how to guard, or did he instruct you as to NAACP's view of what you were doing?

A Say——

Q In your minutes, you said something about he told you how to guard.

A Uh-huh.

[3019] Q What did he tell you about guarding?

A Well, the only thing that he said about guarding, he said just like if you was on the street and you was watching a store and how to go about guarding the store, and not to just stand right opposite of the door or right opposite in front of the store, stand where couldn't nothing be said from the owner of the store or something.

* * * *

[RECROSS EXAMINATION]

[3022] Q Now your memory has been refreshed, and it was August the 22nd, 1966 that you were charged with shooting into the home of Gilmore, isn't it?

A Yes.

Q And that's the last date that appears as an entry in your Deacons book, isn't it?

A That's right.

Q Now, on that occasion when you were arrested and charged with this crime, August 22nd, 1966, that was the date that your book was taken in the course of taking you into custody, wasn't it?

A Right, sir.

* * * *

[Witness James Whitney]

[CROSS-EXAMINATION]

• • • •

[3298] Q Are you a member of an organization known as the Deacons?

A Yes, sir.

Q What is the deacons?

A An organization for defense, to protect black peoples in Port Gibson.

Q Do I understand your testimony to be that it is an organization to protect black people?

A In Claiborne County.

Q In Claiborne County. Were the Deacons active, taking a part in the boycott?

A Yeah.

Q What were they protecting the black people in Claiborne County against when they took part in the boycott?

A They weren't protecting them from anything, I don't guess. They were taking part in the boycott.

Q What were they doing as an organization to take part in the boycott of the white merchants of Claiborne County as of April 1, 1966?

A They carried pickets.

[3299] Q Did what?

A Carried pickets.

Q You mean they carried picket signs in front of the stores?

A Yeah.

Q What else did the Deacons do to carry out the objectives of the boycott?

A That is all I know.

Q Did you do any store watching?

A Yeah, we store watched and picketed.

Q Did you do any drilling in a military fashion?

A No.

Q Was there any military type unit organized by the blacks during this period down there to your knowledge?

A No, there wasn't.

Q Whose idea was it to organize the Deacons?

A A group of us citizens.

Q When you say a group of us citizens, who besides yourself had the idea to organize?

A Mr. Shields and myself and George Henry Walker.

Q That is Rudolph Shields?

A Yes, that is right.

Q Who is Rudolph Shields?

A Who is he?

Q Yes.

A Rudy Shields is all I know.

Q Is he a native of Claiborne County?

A At that time he was.

* * * *

[3301] Q Tell me as nearly as you can the substance of what was said at the time that you all were driving around and meeting at your house about the formation of the Deacons for Defense?

[3302] A It was for protection of the people at the church.

Q I didn't understand you.

A It was for protection of the people at the church so they wouldn't be harassed so they could have the meetings.

Q I am sorry, but I can't understand you.

BY THE COURT:

Slow your talking down just a little bit, please. I am having a very difficult time understanding you.

BY MR. PYLES:

Q Talking slowly, tell us exactly the substance of the conversation when you decided to form the Deacons.

A I don't know who brought it up. We decided to form the Deacons to have protection at the church when they have meetings.

Q You decided that one of your duties was going to be to protect the NAACP membership meetings at the church?

A Yes, that is right.

Q That was the meetings that you were holding on Tuesday nights at the First Baptist Church?

A That is right.

Q That you wanted to protect?

A That is right.

Q Were you having any difficulty at these meetings at the church? Was anyone harassing you or doing anything like that at the church so that you needed protection?

A No.

[3303] Q Nothing, you are saying?

A No.

Q When you say that one of the things you wanted to do was to organize a group to defend the church, and yet you weren't having any trouble, who were you going to defend against?

A If we had any trouble.

* * * *

[3325] Q When you and your fellow Deacons patrolled the streets of Port Gibson to keep the black people from going in the white stores, you were then enforcing the boycott, were you not?

A Yes, sir.

Q Did anyone tell you to do this?

A I don't recall.

Q Did the NAACP ask you to assist them in enforcing the boycott?

A We needed somebody to watch the stores.

Q I can't understand you.

A They didn't ask me, but we needed somebody to watch the stores.

Q How did you know this?

A They told us they needed somebody to watch to keep peoples out of the stores.

Q Who told that?

A Somebody at the meetings.

Q Somebody at the NAACP meetings told the Deacons the stores had to be watched to keep the people out of the stores?

A We were not the Deacons then.

Q What were you then?

A We were just members like everybody else.

[3326] Q Did the NAACP call for volunteers among the members to watch the stores?

A Yes, sir.

Q Do you recall the date of the meeting when someone called for volunteers to watch the stores to keep black people out of the stores?

A It was put on April 1st—

Q They did that on April 1st?

A The boycott was put on April 1st. We were told the day before, I think.

Q So that would be March 31st, 1966?

A That is right.

Q Who told you that, Mr. Whitney?

A Mr. Shields, I guess.

Q Did he say that at a meeting of the NAACP in the First Baptist Church?

A At the First Baptist Church.

Q Was Charles Evers present at that meeting?

A Yes, sir.

Q How many of you volunteered to become store watchers at that meeting?

A There was a whole bunch. I don't know.

Q Could you give us your estimate of the number of people who volunteered?

A About 25.

Q Were they all males, black males?

A No.

Q Some females volunteered to watch the stores too? [3327] A And children.

Q What were the children going to do?

A Watch the stores and tell the people they were under boycott.

Q Whenever they saw a black person about to go in a store, what were your instructions?

A To tell them that the store was under boycott.

Q Were you instructed by Mr. Shields and other NAACP leaders at the meetings to ask the black people not to go in the white stores?

A Yes, sir.

Q Were you told to ask the white people not to go in the white stores?

A No.

Q Were you given any kind of instructions on keeping the black people out of the stores?

A No more than telling them it was boycotted.

Q Just tell them it is boycotted and ask them not to go in?

A Yes.

Q Did they give you any instructions about standing outside the doors of these stores, and if you were to see a black person about to enter the store, to stop him and tell him it was boycotted?

A No. They told us not to stand in front of the stores.

Q Not to stand in front of the door?

A Blocking the doorway.

Q Not to block the doorway, but just to stand to [3328] one side?

A No, not standing. Just walking up and down the street.

Q Walking up and down, and if you saw a black person going in the store or about to go into the store, you were to stop him and ask him not to go in?

A Yes.

Q Did you do that yourself?

A We all did.

Q You did yourself?

A I have.

Q And all these 20 or 25 volunteers plus the black Deacons, is that correct?

A At that time there wasn't no Deacons.

Q Well, I know there wasn't any at that time, but later on the black Deacons took over this assignment, did they not?

A They watched, too.

Q They watched along with these volunteers?

A That is right.

Q And you were just patrolling back and forth?

A Yes, sir.

• • • •

[3418] Q Did the Deacons ever engage in target practice?

A On occasions we did.

Q Where did you engage in target practice?

A In the country, out in the rural.

Q Where in the country out in the rural?

A A place called Pine Grove.

Q Where is Pine Grove located?

A About 12 miles South of Port Gibson.

Q 12 miles south of what?

A Port Gibson.

Q On what highway is it located?

A Off of 61 on a rural road.

Q How often did the Deacons go to Pine Grove to engage in target practice?

A I recall that we went once.

Q How many Deacons do you recall was it that went there?

A Five or six, maybe seven.

• • • •

[Witness James Bailey, Jr.]

[CROSS-EXAMINATION]

* * * *

[3653] Q How many people were watching the first time you served as a store watcher?

A About 10, I guess.

Q About 10 people serving as store watchers?

A Yes.

Q The first time you went, what did you understand you were to do in your duty as a store watcher?

A If I see anyone going in stores, stop them and tell them not to go in the store because it was boycotted.

Q If they said they were going in anyhow, what were you supposed to do?

A I wasn't supposed to do anything, just report it.

Q To whom were you to report?

A Back to Pete Gusta.

Q To Pete Gusta?

A Yeah.

Q Was he a Deacon?

A I don't know.

Q What did you understand as the reason you were supposed to report back to Pete Gusta?

[3654] A Tell him anybody that went in stores.

Q What was he going to do about it if you found somebody going into a store after you informed them the store was boycotted?

A I can't tell you that.

Q What did he do? Do you know?

A I don't know.

Q Did anybody ignore the boycott and go on in despite the fact that you warned them that the boycott was on?

A Yes, sir.

Q Name the persons you stopped, if you know?

A I stopped Emerson Davis.

Q Emerson Davis?

A Yes.

Q Who else?
A Leroy Gibson.

BY THE COURT:

Give me that name again, please?

BY THE WITNESS:

A Leroy Gibson.

BY MR. SHELL:

Q Any others?
A Willie Butler.
Q Anyone else?
A A lady named—they call her "Nig." I don't know her name.
Q They call her "Nig?"
A Yes.
Q N-i-g?
[3655] A Yeah.
Q What age person is she?
A She ought to be about 70 years old.
Q Seventy years old. What did she say when you stopped her?
A She said she didn't know, because she didn't go to NAACP meetings.
Q Well, did she go on in the store anyway?
A No, sir.
Q How about Butler? Did he go on in the store anyway?
A She went on in the store and got her groceries or whatever she was getting. When she came out, I told her again, and she said she wouldn't do it anymore. The next week she started calling and had them delivered to her house over the telephone.
Q How do you know that?
A I found out.
Q How did you find out?

A I just found out. I found out because—for the simple reason I saw the truck the next week. I went by her house and sat on the corner. I sat on the corner there all day. Late that evening the truck came in. I went back down there again the next Saturday, and the truck come again.

Q What did you do about that?

A Then I told her, I say, "You are getting your groceries by telephone now, huh?"

Q What happened from that point on?

A From that point on, I tore up some of the flowers in her yard.

[3656] Q You did what?

A I tore up some flowers in her yard.

Q You tore up some of the flowers in her yard?

A That is right.

Q That was because you were punishing her for violating the boycott, wasn't it?

A Yes, sir.

Q At that time were you a member of the NAACP?

A Yes, sir.

Q Did you understand that was a part of your duties as a watcher to enforce the boycott?

A Yes, sir.

Q I believe you said you stopped Emerson Davis as he was going in a white store. Did you report him?

A Yes, sir.

Q What happened to him?

A Didn't anything happen to him. In the next two or three days, I was coming up Main Street in a car at a red light, and he was coming too. The red light was on green for me, and he didn't stop, and we had a wreck. Him and I, we got to fighting over that.

Q You had trouble over the car, not the boycott?

A It was about the car.

Q You were having a dispute, but it was not about the boycott?

A No.

Q Who else did you stop because they violated the warming [sic] about not observing the boycott?

A I didn't stop anybody else.

[3657] Q The message got around pretty soon, didn't it?

A No, that wasn't the reason. What it was, anybody in Port Gibson was probably scared. I always had a bad name all my life. See, people know that.

Q You tell me about it.

A I just did a lot of bad things when I was coming up.

Q You have still been doing a lot of bad things, haven't you?

A What kind of things?

Q You tell me about it.

A Say what it was.

Q You tell me about it.

A No, when I was coming up as a kid, all the way up until I got grown, I stayed in trouble.

Q Were you ever sentenced?

A Yes, sir.

Q For what?

A On some hot tapes.

Q On some hot tapes?

A Yes, sir.

Q You were convicted of stealing property?

A Yes, sir.

Q Did they send you to the penitentiary?

A Yes, sir.

Q When was this?

A In '70.

Q It was after the boycott started, then?

A Yes, sir.

[3658] Q Whose tapes were these?

A They were supposed to belong to Ed Snyder and Lo Williams.

Q Were these white people or black people?

A White.

Q Did it have anything to do with the boycott?

A I think so.

Q What did it have to do with the boycott?

A Well, there were several incidents with the police and everything, different things I had did.

Q What did it have to do with the boycott is what I want to know.

A I was on probation. I always stayed into something when I was in Port Gibson. When I joined the NAACP, I was kind of like a kid. If there was any fight in our neighborhood, I would jump into it, or I would break car glasses or something like that.

Q Did you throw rocks and break car glasses after the boycott started?

A No, sir.

Q Whose store had this party gone into when you had warned them not to go in the store and they went on in anyway?

A Piggly-Wiggly.

Q That is Mr. James Hudson's store, isn't it?

A Yes.

Q Have you been convicted of any other crimes besides these hot tapes things that you were talking about?

A Yes, sir.

[3659] Q What else?

A Child molesting.

Q Child molesting?

A Yes.

Q Was it a black child or a white child?

A Black.

Q When was this?

A That was in '64, I think, '64 or '65.

Q Did you do time in Parchman for that?

A Yes, sir.

Q How long have you been home from Parchman since your 1970 conviction?

A I came home in June or July, I think.

Q Of this year?
A Last year.
Q When you got back home, have you been active in the boycott?
A They wasn't boycotting.
Q Everything was quiet and peaceful?
A Yes, sir.
Q Nothing going on in the streets?
A No, sir.
Q What was this lady's name whose flowers you tore up?
A Willie Butler.
Q Willie Butler?
A Yes.
Q Is she a single woman or a widow woman?
A She is married.
[3660] Q Is she living with her husband?
A Yes, sir.
Q Did she see you tearing up her flowers?
A No, sir.
Q Were you arrested for this?
A No, sir.
Q Did she know that you tore up her flowers?
A I guess not.
Q You warned her the second time after you saw that truck there that she should not have been buying groceries from a white store?
A That is right.
Q And it was right after that that you tore up her flowers?
A Yes, sir.
Q Was this in the nighttime or daytime that you tore up her flowers?
A Nighttime.
Q Did she stop buying groceries at the white merchant's store after you gave her a lesson about violating the boycott?
A No, sir.

Q She kept on buying them?
A Yes, sir.

* * * *

[3690] Q When you joined the NAACP in Port Gibson, you knew a boycott was going on, didn't you?
A Yes.
Q And you know that it stayed on at least until you left in May of 1970?
A Yes.
Q All during that period of time, were you a store watcher?
A I was around on the streets.
Q You were watching stores, weren't you?
A Yes, sir.
Q You were required to stop people and warn them not to go inside these white stores that were boycotted, weren't you?
A Yes, sir.
Q How many different times were you on the streets serving as a watcher?
A Almost every day.
Q Almost every day there were other watchers on the streets doing the same thing?
A Yes, sir.
Q You weren't there by yourself all the time, were you?
A No, sir.
[3691] Q You never were by yourself?
A No, sir.
Q Were you furnished a walkie-talkie?
A No, sir.
Q You know that they were used in store watching, don't you?
A No, sir.
Q You never saw them?
A No, sir.
Q Did you wear a black hat?
A No, sir.

Q You know that black hats were worn by some store watchers, don't you?

A Yes, sir.

Q And you know that the black hats that were being worn was supposed to point out to the people that these men wearing these black hats were store watchers, and they will take your name if you don't observe the boycott? You knew that, didn't you?

A Yes, sir.

Q And you know that those who violated the boycott would meet such some kind of punishment such as you administered to one, and would also have their name read out in the Tuesday night meetings of the NAACP, don't you?

A Yes, sir.

Q You heard that, didn't you?

A Yes, sir.

Q And there was a publication called the *Black Times* that was put out on the streets of Port Gibson [3692] that listed the names of people who violated the boycott, wasn't there?

A Yes.

Q You have seen the *Black Times* many times, haven't you?

A Not many times.

Q But you have seen the Black Times?

A Yes.

Q Do you know who published it?

A No.

Q Where were you when you saw it?

A On the street.

Q Was it just lying on the street, or did somebody give it to you or how did you see it?

A Someone else had it.

Q Who had it?

A I don't know.

Q You were aware of it and familiar enough with it that you know it listed the white stores that were boycotted, didn't you?

A Yes, sir.

Q And it listed the names of the people, members of the black community, black people who had violated the boycott, didn't it?

A That is true.

Q You were assigned by Mr. Gusta to be a watcher. What directions did he give you as to what you were to look for in performing your duties?

A He told me to watch people going in the stores [3693] and tell them not to.

Q Did he tell you what store he wanted you to watch?

A He told me to stand on the corner by Piggly-Wiggly, between Piggly-Wiggly and Frishmen's.

Q I am not familiar enough with Port Gibson to know where Frishmen's is.

A Frishmen's. That is on the street about two doors from Piggly-Wiggly.

Q Oh, you were about in the middle of that block?

A Yes, sir.

Q At times you stood in the doorway so that nobody could get into the store, and you stopped them?

A No.

Q Never did that?

A Never stood in the doorway.

Q When you stopped them, would you take them by the arm and said, "Wait a minute. You are not supposed to go in here. This store is under boycott?"

A Yeah, I would pull some away like that.

Q You would pull some away like this (indicating). Grab them by the arm.

A I didn't grab them. I just told them to come to the side.

Q You took them by the arm, didn't you?

A Yeah.

Q How much do you weigh?

A About 219 or 218.

Q How tall are you?

A Six feet.

[3694] Q You are pretty tough, aren't you?

A I don't know.

Q Did you ever play any football?
A Yes, sir.
Q Where did you play?
A Addison High.
Q Did you ever lift weights?
A No, sir.
Q You have done a lot of running in your life, haven't you?
A Yes, sir.
Q You are a pretty powerful man, aren't you?
A I don't know.
Q What did he tell you to do about remember who wouldn't listen to you about not going in these stores?
A He told me to report their names.
Q Back to him?
A Yes, sir.
Q And you knew if you did that, those names were going to be read out?
A I didn't know what he was going to do with them.
Q You knew very well what he was going to do with them because you heard them read out at the NAACP meetings on Tuesdays, didn't you?
A I heard some of the names that I had reported read, but I didn't know that those were the same names that I gave him or not.

• • • •

[3696] Q I believe you testified that Emerson Davis was one of those you stopped when he went into Piggly-Wiggly?
A I stopped him at the door.
Q What store was it?
A I think it was Piggly-Wiggly or Frishmen's, one.
Q When was this?
A I don't know.
Q Was it in the daytime or evening or dusk?
A It was in the daytime.
Q Was he alone or was he accompanied by his wife and children?

A He was by himself.
Q Riding or walking?
A Walking.
Q Did he go on in anyhow?
A Yes, sir.
Q He wouldn't stop?
A No, sir.
Q Did you help participate in the spanking of Preacher White?
A No, sir.
Q You know Preacher White, don't you?
A Yes, sir.
Q You knew he had been spanked because he went in a white store, don't you?
A Yes, sir.
Q It was generally known around the community that if blacks violated the boycott, they were going to get punished, wasn't it?
A Yes, sir.
[3697] Q Do you know Laura Cullins?
A Yes, sir.
Q Did you participate in throwing brickbats on her house?
A No, sir.
Q Because she violated the boycott?
A No, sir.
Q You knew about it, though, didn't you?
A No, sir, I didn't know about that.
Q You did not?
A I heard about it.
Q Where did you hear about it?
A Uptown.
Q Was it while you were serving as a watcher that you heard about it?
A I heard some guys talking about it.
Q What guys did you hear talking about it?
A Calvin was asking me what I had heard happened.

Q Calvin Bailey asked you what happened?
A Yes.
Q You had heard what happened?
A Yes.
Q And you told him what happened?
A Yes.
Q What did you tell him happened?
A I just told him about the incident. About her going in the store. I don't think they did anything to her.
Q What did you tell him happened? That is what I want to know.
[3698] Q I told him Mrs. Cullins went in the store, and she was talking about what she was going to do to anybody if she thought they was going to do anything because she went in the store.
Q What did you hear?
A That is what she said.
Q What I want to know is what you heard.
A I just heard somebody say they broke the windows out of her house.
Q Calvin Bailey told you that they broke the windows out of her house, didn't he?
A No, he didn't tell me they broke the windows.
Q Who told you that?
A I just heard that through talk.
Q Calvin Bailey and you talked about her, didn't you?
A Yes, sir.
Q Who talked and told you about her windows being broken?
A I don't know who told me about the rock throwing.

* * * *

[3704] Q Didn't you go to the NAACP meetings and join the NAACP at that time?
A I went to the NAACP for a couple of months before I joined.

Q When you went to the meetings, there was discussion about the boycott being in progress, wasn't there?

A Not really.

Q Well, how did you know to go downtown and be a watcher?

A My father told me about it.

Q What did he tell you was the reason you were to watch?

A He told me to watch people going in the store and tell him.

Q Tell them what?

[3705] A Tell him.

Q To tell him?

A That is right.

Q Were you not also instructed at the same time to advise these people who were going in the stores that there was a boycott going on?

A Yes, sir.

Q And you did that, didn't you?

A Yes, sir.

* * * *

[3736] Q Yesterday you advised that you had—you testified that you had learned that Preacher White had been spanked or whipped?

A Yes.

Q I believe you testified that Calvin Bailey told you about that?

A Yes.

Q What all did he tell you as to why the preacher was whipped?

A Kept on going in the store.

Q Did he say where he was whipped?

A No.

Q Did he say the type of whipping that he got?

A No.

Q Who was supposed to have given him the whipping?

A I don't know.

Q But it was because he had been involved in breaking the boycott that he got a whipping as I understood your testimony yesterday?

A Yes, sir.

• • • •

[3738] Q When Calvin Bailey related to you about Preacher White getting whipped, did he tell you he saw the whipping?

A I am not sure.

Q He spoke as if he knew what he was talking about, though, didn't he?

A I can't say that.

Q Did he talk as if he didn't know what he was talking about?

A I can't say that.

• • • •

[DIRECT EXAMINATION]

[3740] BY MR. CARTER:

Q Mr. Bailey, were you a member of the Deacons?

A No.

[3741] Q Do you know James Whitney?

A Yes.

Q While you were acting as a watcher, did you receive your instructions from James Whitney?

A No.

Q Did you receive your instructions from any other person other than your father?

A No.

Q Did you get any instructions at an NAACP meeting?

A No.

Q Did anybody tell you what you were supposed to do when you saw someone violating the boycott?

A No, only my father.

Q Did your father tell you to watch Mrs. Butler?

A No.

Q Did he tell you to do anything to Mrs. Butler?
A No.
Q Did anybody tell you to do anything to her?
A No.
Q Why did you do it?
A I did it on my own.

• • • •

RECROSS EXAMINATION

[3751] BY MR. SHELL:

Q On examination by Mr. Carter, you stated that your father had given you instructions as to being a watcher?
A Yes.
[3752] Q Your father you were referring to as Pete Gusta, weren't you?
A Yes.
Q Pete Gusta is dead, isn't he?
A Yes.
Q How long ago did Pete Gusta die?
A December 8th, 1970.
Q December 8th, 1970?
A Yes. Wait. That was in '72.
Q '72?
A Yes.
Q Last December?
A Yes.

• • • •

[Witness Mrs. Leesco Guster]

[CROSS-EXAMINATION]

[3819] Q Well, who would call the names out of the people who they thought violated the boycott?
A It was not the Secretary.
Q I know that, but I say who did it?

A I can't recall, but it would be from—I hate to say because I am not sure.

Q Well, would Rev. Walls and Dorsey do it?

A Rev. Walls was not, you know, at the beginning of the boycott, he wasn't affiliated real close. It was Rev. Dorsey who was President, but Rev. Dorsey did not call names.

Q Well, do you recall anybody who read out the names of—

A I can't recall, but I do know they were read out.

Q Do you remember any person's name being read out?

A Yes, I remember them being read out.

Q Do you remember their names?

A No, sir, because there used to be a long, long list.

* * * *

[Witness McLawrence Bailey]

[CROSS-EXAMINATION]

[3988] BY MR. PYLES:

Q Did you ever get any copies of the "Black Times"?

A No.

Q Where did you see those "Black Times"?

A In Port Gibson.

Q Where in Port Gibson?

A I believe one of the members issued them out.

Q Members of who?

A Of the NAACP.

Q Members of the NAACP put them out?

A Yeah.

Q Where did you see them putting them out?

A I saw them from one to the other, you know.

Q You mean out on the streets of Port Gibson?

A Yeah.

Q You will have to answer out, now, so that she—

A Yeah.

Q What was the purpose of the "Black Times", if you know?

A I don't know.

Q Who published it, do you know?

A No.

[3989] Q Do you know the people you saw issuing them out?

A I know one. James Miller. James Miller for one.

Q James Miller?

A Yeah.

Q Who is James Miller?

A James Miller.

Q You told me that. Is he a black man?

A Yeah.

Q How old is he?

A Approximately 22 or 23.

Q Does he go to school?

A No.

Q Does he work?

A Yeah.

Q Where does he work?

A I believe at the Chancery Clerk's office in Port Gibson.

Q What does he do in the Chancery Clerk's office?

A I wouldn't know that.

Q Back in 1970 when he was putting out the "Black Times", what did he do?

A I don't know.

Q Do you know for whom he worked in 1970?

A I don't know whether he was working or going to school.

Q Where did he go to school?

A Alcorn.

* * * *

[3993] Q Look over on the righthand lower section of that front page and read what you see down there.

Q "The Black Times, an independent weekly newspaper published by the students of Port Gibson."

Q Underneath that, what do you see?

A "The following people were seen entering in a white-owned food store breaking selective buying practices."

* * * *

[3996] Q What was the purpose of publishing in the "Black Times" the names of these black people who went in the stores?

A I couldn't tell you.

Q Was that to shame them or to bring public pressure on them to stay out of the stores?

A I couldn't tell you that. The ones that published the paper would know more about it.

Q What effect did it have on you when you read about these black people going in the stores?

A It didn't have no effect on me.

Q You didn't care?

A No, I didn't care.

Q Well, if you didn't care, why did you go down to Hermanville to picket?

A You know, like I say, I was with the organization, you know.

Q Just a team man. You were with the organization?

A Yes. Team man.

Q Do you know James Gilmore?

A Yes.

Q Somebody shot in James Gilmore's house, didn't they?

A I heard that.

* * * *

[4060] Q Were you among those people who went out to Addison's School and stopped a white man by the name of Marvin Hynum and a black man by the name of Johnnie Shorter who were working for Sheriff McCay from delivering Borden's milk to the school?

A I heard about it.

Q Were you in that crowd?

A No.

Q What did you hear about it?
A That they got stopped, like you have.
Q They got stopped from delivering the milk?
A Yeah.
Q Why did they stop them?
A I don't know.
Q You didn't hear that?
A No.

* * * *

[Witness James Gray]

[CROSS-EXAMINATION]

[4561] Q What were you doing when the boycott started?

A I think I was mechanicing at the Ford place. I am not definitely sure. I believe I was, though.

* * * *

[4571] Q You were not trading with the white people before the boycott?

A Not no more than I had been no other time. We [4572] always had a special store. I ain't never had anything to buy but car parts. We always buy clothes and things like that on a charge account at Sears, so it didn't make no difference. Mamma always made the groceries, so I didn't know where she was making it at, what store.

Q Do what now?

A My mother always bought the groceries. I don't know what store she was making it at. She was making it at the white stores, I am pretty sure.

Q Oh, you were living with your mother?

A Still does.

Q You are not married?

A No. Right.

Q So she did the grocery shopping?

A She did the grocery shopping. I couldn't say what store she was going in. I am pretty sure she was going in Jitney Jungle. Still does.

Q Who owns the Jitney Jungle?

A Mr. Waddy and Miss Rosa Lee runs it. I guess they owns it. I don't know. Compliments of somebody.

Q Waddy Abraham?

A Right.

Q You say your mother continued to buy groceries at Jitney Jungle during the boycott?

A Still do.

* * * *

[4574] Q Why did you participate or observe the boycott, other than these parts houses and stuff?

A I had been doing the same thing all the time before it started. It wasn't no different. When I was working at the Ford place, they would send me to the parts house to get the parts. It wasn't no different. I would go buy car parts and come back and go to work.

Q Did you ever buy any car parts from Mr. Segrist after he took over when you were in business for yourself?

A Yeah. Yeah.

Q Did you continue to trade with him?

A Yeah. Still do.

Q Were you afraid not to observe the boycott?

A Well, I figured I didn't have no choice.

Q What?

A If people want to ride, I didn't have no other choice.

Q If people wanted to ride, you didn't have any choice. What do you mean by that?

A Where would I get the parts from if I didn't go [4575] get them in Port Gibson? It would hardly be worth going to Jackson or Vicksburg because I wouldn't have but one car to work on during the day.

Q So you just figured because all the other colored people in your town observed the boycott, you would observe it to some extent. Is that what you are telling us?

A Well, there wasn't no more extending than there had been no other time. That is all I was buying, a little gas from Mr. Salter sometimes. I didn't have no special place. Still don't have no special place to get gas, just the cheapest place I can find.

Q After the boycott, you knew Mr. Salter was on the list for the boycott, didn't you?

A Yeah.

Q You did?

A It said all white merchants, so he was white, so I figured he was, too.

Q Do what now?

A It said all white merchants was boycotted, so he was white, and I figured he was, too.

Q Did you stop buying gas from him?

A No, I didn't.

Q What?

A No, sir, I didn't.

Q Did anybody ever come to you and talk to you and tell you to quit buying from white merchants?

A No, sir. Never did.

Q Did James Whitney or Calvin Bailey?

A Nobody.

[4576] Q Calvin Bailey never came to you?

A No, nobody ever came to me and told me don't buy nothing from a white merchant.

* * * *

[4584] Q Look back there if you will at Exhibit C-1, the two pages. You don't have any trouble reading that, do you?

A I can't read too good.

Q Look at No. 1 where the people that signed this, Calvin Williams and the rest of them, wanted the Community Affairs Committee made up of both races—do you see that marked Paragraph 1 there? Would you rather I read it to you?

A Yes. Read it to me, please.

* * * *

[4616] Q So you were in favor of the boycotting of the white merchants because they wouldn't hire——

A I wasn't in favor of boycotting, but if that is the way it was, yeah, I feel like that. If that is the way it was, I was in favor of it. I don't know what they boycotted for. I still say that.

Q You say they ought to hire black clerks and cashiers, and if they didn't, the black people were justified in boycotting?

A If that is what they decided on, it must have been right.

Q And you agreed with their theory?

A I agree with it now. I haven't had anything to do with it. But I agree with it now.

* * * *

[4622] Q Did you ever hear of anybody getting beat up down there for not observing the boycott?

A I have heard some of them say they got beaten—said someone had got beaten. I don't know whether they was beaten—I mean I don't know who did it. I couldn't say who they was.

Q Who did you hear got beat up about the boycott?

A I ain't heard no certain—I mean I have heard more than one person say they done whipped somebody down there or something or other like that about they broke the boycott or something like that, but for instance saying who they was whipped or something, I didn't pay no attention to that.

Q Who did you say they had beat somebody about breaking the boycott?

A Some of my customers that was sitting around talking.

Q Who was named as the person that was supposed to have gotten beat up? Did you hear that?

A No, sir, that is what I am saying. I didn't [4623] know definitely who beat who and who got beaten. I didn't never understand——

Q You never heard that Preacher White got beaten up for trading with white merchants?

A He lived not far from me. I never heard of that.

Q Where do you live?

A On Highway 18 in Green Meadows Subdivision.

Q Do you live close to Merle Cullins?

A No.

Q Do you know Merle Cullins?

A I know Merle, but not close. I live about quarter of a mile.

Q Wait a minute. Laura Cullins. Do you know her?

A Excuse me. Yes, sir.

Q Do you live pretty close to her?

A No. I live about I would say a quarter of a mile. To call it blocks, I would say about four blocks, quarter of a mile or something like that. It is no blocks. It is little streets to houses.

Q There are two colored persons in Port Gibson called Preacher White, aren't there?

A I ain't never knowed but one.

Q You never heard about him getting beat up?

A Preacher White? The only I ever knowed is the one that builds septic tanks and cisterns and things like that. I ain't never heard of him getting beat up. He might have. I couldn't say that, because I wasn't over [4624] there, and I don't know.

Q Did you ever hear that Willie Myers' [sic] house got burned up about the boycott?

A No, sir. Willie Myers?

Q Lives out around Hermanville?

A Let me see. I know Willie Myers. I never heard his house got burnt up. It might have. I couldn't say that, 'cause I don't know.

Q Have you ever heard of him being threatened by somebody about breaking the boycott?

A No, sir.

Q Do you know Johnny and Susie Cox?

A Johnny and Susie Cox? If I do, I can't recall them right now.

Q I think they live out close to Hermanville, too. You don't know them?

A Cox? I am pretty sure I don't. Colored?

Q Yes. I think he works at Hood's Lumber Mill. He is about 60 years old.

A I am pretty sure I don't know him. I can't recall knowing him.

Q You never heard about his house being shot into with buckshot?

A No. I don't even know him.

Q What?

A I don't even know him.

Q You never heard his name mentioned?

A I was just thinking, trying to place who they are. No, sir, I ain't never heard nobody's house being shot [4625] in about no boycott. Who shot in it? You got any idea?

Q What?

A You got any idea who shot in it? Black or white?

Q No. I wish I did. I have an idea, though.

A No, sir. I never heard of that.

Q How about Jasper Coleman? Do you know him?

A Jasper Coleman?

Q He is a carpenter and contractor.

A Jasper Coleman? I know a James Coleman that is a carpenter.

Q How old is he?

A Oh, I don't know. I think they call his daddy Jack Coleman. That might be the one you are calling Jasper. His daddy is a carpenter, too.

Q He is about 65, I guess?

A 65? That must be the daddy, then. I presume it is.

Q Did you hear about him being threatened and his tires slashed for breaking the boycott?

A No.

Q How about Eddie Lewis?

A Eddie Lewis? Yeah, I know him. Never heard about him——

Q You heard about him being threatened and whiskey taken away from him because he bought it at Smith's Package Store, didn't you?

A No, sir. Never heard of that.

Q You didn't hear about Rudy Shields taking his [4626] whiskey away from him?

A No, sir, I ain't heard that.

Q Did you know Rudy Shields?

A I have seed him at the meetings.

Q At the NAACP meetings?

A Yeah.

Q What would he be doing there?

A Sitting down on the seat like everybody else.

Q Did he get up and make speeches?

A He might have. I never been there when he made one. I have been there and they introduced him and had him to stand and speak to the people. For instance he talking, I couldn't say that.

Q Who would introduce him?

A The president. I don't know if it was Rev. Dorsey or either Collins, one of the two.

Q What were they saying?

A They would just introduce the visitors. He was just a visitor. That is all. He wasn't no more than nobody else. He was just a visitor. They introduced most visitors.

Q Why did they pick him out?

A They didn't pick him out. All the visitors was introduced. Everytime I have been there and they had visitors, they would have them to stand.

Q He wasn't even a member of the NAACP, was he?

A I don't know.

Q He was from Chicago, wasn't he?

A I don't know. I don't know where he was from.

* * * *

[4629] Q Do you know Emerson Davis, a commercial fisherman down there?

A Yeah, I know him.

Q You heard about the trouble he had with Rudy Shields and a bunch of them about the boycott, didn't you?

A No, sir.

Q You heard about his shooting Alfred Lee Davis?

A No. I didn't hear about anybody getting shot about no boycott. No.

• • • •

[Witness Charles Evers]

[CROSS-EXAMINATION]

[4649] Q Would you state your name, please?

A My full name is James Charles Evers.

Q And where do you live, Mr. Evers?

A Post Office Box 605, Fayette, Mississippi.

Q That's your address. Where do you live?

A I live at Highway 61 South, I guess, in Fayette.

Q That's in Jefferson County, Mississippi?

A Jefferson County, right.

Q How long have you lived there?

A Since 1966.

Q Where were you born?

A Newton County, Mississippi, Decatur, Mississippi, [4650] September 11th, 1922.

Q How much education do you have?

A Well, I went through college. I don't know how much I really have. I finished Alcorn A & M.

Q When did you graduate from Alcorn A & M?

A In either '50 or '51. I was in the Army.

Q That's close enough.

A '50 or either '51.

Q Did you get a Bachelor's Degree there?

A Right, B. A., Bachelor of Arts.

Q What is your occupation?
A I'm Mayor of Fayette now.
Q Is that your sole occupation?
A I manage my family's business in Fayette.

* * * *

[4653] Q Now, on the death of your brother, where were you physically located when you received the word?
A Chicago.
Q Did you come back to Mississippi immediately?
A Yes, the next morning, as soon as I could get a flight out.
Q And following his death, you became an employee of the NAACP, didn't you?
A Right.
Q What was your title?
A Field Secretary for the state of Mississippi.
Q And by whom were you hired? Who put you on the [4654] payroll?
A Frankly, and this is the honest truth, I really don't know, because I didn't come for a salary. I came to do a job. And I was told by maybe it was Mr. Kern—I'm not really sure who told me it.
Q Well, who paid you?
A Oh, the NAACP.
Q Where did you get your checks?
A From New York.
Q You were working directly for the headquarters out of New York, weren't you?
A No. I worked for the state, but they paid me. I mean all my activity was here in the state.
Q But your paycheck came out of New York City.
A Right.
Q What were your duties?
A Well, see, a Field Secretary has no specific duties. It's a variety. And I was mainly doing it for the advancement of our people and to make conditions better for them economically, politically, socially and any way—well, the American way, to make life livable.

Q When did you begin as Field Secretary for the NAACP?

A Medgar was killed on the 12th. I came on the 13th and I went to work on the 14th.

Q Of what year?

A Of '63. I think I went on the payroll must have been maybe after he was buried. I don't remember when that was. It was on a Saturday or Sunday. It must have been [4655] a week or two after he was buried I went on the payroll, but I took up the job the next day.

Q They had a little difficulty about getting approval, according to the book, didn't they?

A Yes. We still have difficulties.

Q Beg your pardon?

A We still have them. Yes, we did have them.

Q Now, when did you terminate your relationship as Field Secretary with the NAACP?

A I don't know the exact date nor the month. I know when I ran for Congress, I took a leave of absence. And then I ran for Mayor and I took a leave of absence. I don't know just what. See, I ran for Mayor and I was elected Mayor in May of '69. So evidently I must have taken a leave of absence must have been February or March. I'm not sure. February or March maybe, of '69. Because, you know, you can't be involved in politics and represent the NAACP at the same time.

Q That's part of the constitution of the NAACP.

A Right.

Q In December of '65, you were employed.

A Yes.

Q As a Field Representative.

A Yes.

Q For the NAACP.

A Yes.

Q Now, in December 1965, had you not theretofore or even then participated in boycotting in both Natchez and Fayette?

[4656] A We didn't name it boycotting. I didn't name it boycotting. I named it staying away from them mean folks. They named it boycotting, I think. I said that where we're not treated right, not given respect of any other human being, then we shouldn't participate and shouldn't involve ourselves and shouldn't be associated with them, any of them. And I did that, I guess, if that's what you're saying.

Q This sort of staying away was going on in Natchez.

A Yes.

Q And you were one of the active participants.

A Right.

Q And leaders in that organization, weren't you?

A Yes, sir, sure was.

Q And this is also true in Fayette, is it not?

A Yes, sir.

Q Then did you not come up to Port Gibson?

A Yes, sir.

Q And when you came to Port Gibson, you conferred with the NAACP chapter up there, didn't you?

A Well, we organized the chapter up here, yes, sir.

Q Wasn't it already organized?

A Well, yes, sir. We reorganized it. It was lagging. We had organized it some time before and it had gotten slack, so we reorganized it, yes, sir.

Q You strengthened it, in other words.

A We hoped so, yes, sir.

* * * *

[4657] Q As the stay away from buying campaign progressed in Port Gibson, meetings finally became pretty much standard for Tuesday nights at the First Baptist Church, didn't they?

A Right, right.

* * * *

[4658] Q There was a committee also organized, wasn't there, out of the NAACP that made certain requests as to grievances against them?

A Oh, yes.

Q And were you instrumental in helping draw up those requests?

A Yes, I was.

Q In front of you is what has been introduced as Exhibit C-1 to the testimony of Mr. Hudson. Do you see it there in front of you?

A Right.

Q Do you recognize that document?

A Yes.

Q That's a copy, of course. Do you want to get your glasses so you can see?

A I'm not used to reading with glasses on. Yes, this is it.

Q Do you know who typed this document?

A I really don't. I'm not sure. I don't know who typed it. I know we drew it up in the church one night when we had a regular meeting; but who really typed it, I don't know.

Q Who selected the language that went into this document?

[4659] A A variety of us. It wasn't no one person. A variety of us, many of us put it in. I guess I was one of the main ones, and Mr. Calvin Williams. I guess Mr. Collins.

Q You're talking about Judge Collins down there?

A Yeah. Who else? Maybe Mrs. Thompson.

Q Mrs. Margarite Thompson?

A Right. It was many of us, but I mean these are some I can remember right off that were there.

Q Whoever drew this up had a reasonably good education, didn't they?

A I think we have, Mississippi style.

Q And the language is pretty clear.

A Thank you.

Q Was it typed that night when it was agreed upon?

A No, it was not. It was written out by the secretary.

Q Who was secretary at that time?

A We had so many secretaries. I just don't know who was acting secretary that night.

Q May I suggest it may have been Margarite Brandon?

A Might have been. It may have been. I just don't know.

Q Marjorie. You know her, don't you?

A Yes.

Q She has been secretary down there. Or do you know?

A Yes, I think she was.

[4660] Q Now, this was at a regularly held meeting or a called meeting of the Claiborne County chapter of the NAACP.

A Yes.

Q And you were there in your capacity as Field Representative for the NAACP, weren't you?

A Well, I guess you would say that, but I was there more or less because of my interest in what had been going on in Port Gibson.

Q This was your work in this case.

A Well, let me make that clear. It really wasn't, and I'm not trying to clear the NAACP, because I went contrary to a lot of the NAACP, I think if you will check with them. This is one step that a lot of them didn't want us to go, particularly Mr. Wilkins and Mr. Kern; but we did use this, yes, that meeting, to do this type of thing.

Q Did they repudiate what you had done?

A Oh, yes.

Q In what manner did they repudiate it?

A I believe I was up for suspension a couple of times. And I told them I would take the money, but I'm not going to take the position because I'm going to stay here. And they said, "Well, do just that." They carried me before a hearing in Birmingham, I believe it was, in '66, I believe it was, '67 or '66, I believe it was '67. And they were going to fire me there. And, of course, we had our

stuff together. And they backed off. So all I'm trying to say is it really was the local people of Claiborne County and myself. I don't want to lie on nobody else. It's who [4661] really was the ones doing this.

Q Was the local chapter of Claiborne County suspended itself?

A No.

Q Was it admonished for what it had done?

A No, not that I know of.

Q I might say to you, Mr. Evers, that Mr. Carter here has furnished us a constitution of the NAACP. I've studied it rather carefully, and I believe there is a provision in there that if something is done contrary to the National, that the local can be called on the carpet.

A Right. Well, they called me many times.

Q I'm not talking about you. I'm talking about the local Claiborne County chapter.

A Oh, I don't know whether they did or not.

Q You're not aware of it.

A No, I'm not. I know they did call the Adams County, which you're not involved. I know Natchez, they did call them on, I know that, about the same thing.

Q Now, at this particular meeting where Mrs. Thompson, Judge Collins, Calvin Williams, and perhaps Reverend Dorsey, whom I suggest was also active in this——

A Yes, he was active in this, President, yes, sir.

Q And there were many others, like Nathaniel Jones.

A Right, sure was.

* * * *

[4663] Q But you wouldn't have presented this if you didn't have the approval of the Claiborne County chapter.

A Well, of the people, all of them wasn't members of the NAACP now, I'll tell you that, or we would have been in good shape; but many of them were just innocent citizens of the community.

Q They were interested citizens.

A Right. Many of them were. They wasn't all NAACP members.

Q But this was a called NAACP meeting where these matters were discussed.

A Yes, it was a regular meeting.

* * * *

[4666] Q Who, other than you, would be the same persons present at all three of these several meetings where these were discussed and presented?

A I guess I was the only one. I have been the prime mover in all of them.

Q During this period of time, you were the Field Representative for the NAACP.

A Yes.

* * * *

[4683] Q Have you been there in Port Gibson, walking around observing the businesses?

A Oh, yes, I have been in every store there, every last one.

Q When you were in the stores, did you discuss with the merchants——

A No. I just go in and look around and see how the traffic was. I could see they could always use at least a part-time black, and I noticed where the blacks were working. I didn't want them to be saying something about I didn't know what I was talking about.

Q You were casing the place, in other words.

A Well, you are naming it. I went in there to make sure that I was——

Q You are familiar with the term "casing", aren't you?

A Well, since Watergate, I'm familiar with quite a few terms.

Q This way predates Watergate. You just don't know what the word "casing" means?

A I think it means observing, doesn't it, watching?

Q Looking the place over.

A Right, to make sure that they could use somebody, they needed somebody. And that's the conclusion we reached [4684] and reasoned with them that they were hiring them in, should I say, minor positions, a few, one or two. But all we were saying—I know it's hard for our white brothers and sisters to understand us; but what you've got to understand, Attorneys, that unless you give young blacks or coloreds or whatever we were a chance to look up as all of you had a chance to look up and see a judge or see a lawyer, when are we ever going to be anything? You've got to understand this. That's all we were trying to say to them. You will probably say, "Well, she is a cashier at Piggly-Wiggly and some day I will be a cashier." But if you never give us that chance, how are we going to make it?

Q You decided to be sure you got that chance by boycotting the community.

A Well, let me tell you this, Attorney. My answer was whatever it took beyond—short of violence, I was willing to do it to give my folks a chance.

Q You were willing for a little violence to occur, too, weren't you?

A No, I wasn't looking for no violence. I never struck nobody. I've said some things that, if somebody was to have no more sense in their head than to go in there, they might shoot at them, but I never did anything about it at all.

Q On one occasion you made a comment on national television, shown all over this nation, that in the event they violated the boycott, the black people, you would break their damn necks, didn't you?

A I don't know whether I said I'd break them or [4685] I said they should have their necks broken. I don't know what I said, the exact wording or not. And I said this, and I say it again, I'm not going back on my words, I still feel that if a black person or a white person is mistreated by any individual and denied and he ain't got no more sense than to go in there and spend his

money and his time, then, yes, sir, I still say he's no better off than—we just don't need him.

Q That's not what I'm asking you about, though. I'm asking you about the boycott and your admonitions to your people that if they didn't observe the boycott and if they were caught violating the boycott, you would break their damn necks.

A I don't think I said I would break their necks. I think I said their necks needed breaking. I don't think I said I'd break their neck. I'm quite sure I didn't say that. Can you read that? Have you got some place where I can see that or hear that. I want to make sure. If I said that, I'll admit it. I never deny something I say.

Q You know Jerry DeLaughter, don't you?

A Oh, I know Jerry very well. What did he say?

Q If Jerry DeLaughter quoted you as saying that, you would accept that as being correct, wouldn't you?

A Not necessarily. I was fixing to say I thought he said he saw it on TV and heard it. Have you got it on tape? That's the only way I really would accept I said that.

Q Oh, you wouldn't accept it——

A I believe you have it on tape, don't you? Do [4686] you have it on tape?

Q It's on tape.

A Well, could I hear that then? Then I'll know whether I said it. If I said it, I'll admit I said it.

Q We will see about that in a minute. I want to ask you about a statement of Jerry DeLaughter in the Memphis "Commercial Appeal" on April 22, 1969. It carries the byline of Jerry DeLaughter. There is a long discussion about what the conditions were and what was going on there.

BY THE COURT:

What is the date again, Mr. Shell?

BY MR. SHELL:

April the 22nd, 1969, Your Honor. (Continuing):

Q I refer to the last few paragraphs with regard to what I had asked you about. Would you read that paragraph out loud, please?

A "He urged the restless crowd to intensify a boycott of white merchants which was begun Saturday. 'If we catch you going in any of them racists' stores, we're gonna break your . . . neck,' he said."

Q It says "your" blank "neck".

A I probably said "damn neck." "If you take another whipping from a white man, you're a coward." I say that now. "It's time we quit talking 'quiet and peaceful'. We're tired." And I still say that. "I don't mean we ought to throw bricks or break things." I say that. "There's better ways to get to them than that." I said that then and I say it now.

[4687] Q You do recall making this statement.

A I do recall making that last one. I don't know why I said we would break their neck. I think I said, "Their damn necks should be broken", or something like that.

Q You said something to that general effect, didn't you?

A Yes, sir.

Q When April 1 arrived and you felt that these things you had been requesting had not been satisfied, you called or met with the NAACP chapter in Claiborne County in Port Gibson at the church during the afternoon, didn't you?

A Right. Yes, sir.

Q And did you make a speech at that time?

A Well, usually I'm always speaking, so I probably did, but I don't know.

Q You're some kind of speaker, aren't you?

A Well, I try to be. It's my only weapon.

Q From that point, did you march on the streets of Port Gibson and congregate ultimately in front of the courthouse?

A I'm sure we did. Yes, sir, I imagine so. We did march.

Q This is when the boycott was first called. This should be vivid in your memory.

A Yes, I'm sure we did.

Q What size crowd was present at that time?

A I'm about like the paper, I'm sort of poor at [4688] estimating crowds. I'd say there must have been about 400 or 500.

Q The church was full of people.

A Oh, sure, and all outside and all on the streets.

Q And at that time you called for a boycott to be put on all of the white merchants in Claiborne County, didn't you?

A I think I said, "Stay out of all of the stores." I don't know whether I say boycott. I guess it all means the same. I said, "Stay out of all the stores where those mean, racist white folks have been killing our folks until they quit killing us."

* * * *

[4692] Q And you did speak to them on April 1.

A Well, I don't know the date, but I did, during that march, yes, sir.

Q Well, when the boycott was first called.

A Oh, yes. Every march, I was there.

Q Weren't you back there the next day?

A I imagine so, yes, to make sure that things were going good.

Q And you advised the people to stay out of the stores, didn't you?

A Yes, sir.

Q You didn't want to see any of them going in those stores.

A I sure didn't.

Q And you advised them that there would be [4693] people watching them to see whether or not they went into these stores, didn't you?

A Yes, sir, I sure did.

Q How did you know there were going to be people watching them?

A Because I was going to be one of them.

Q Were you one of the watchers?

A Yes, sir. Never touched nobody. I watched them, to show how effective we were. Every man likes to know his strength sometime.

* * * *

[4694] Q Do you remember stopping somebody coming out of a store belonging to Mr. and Mrs. Norman Ellis and telling them the store was boycotted and they shouldn't go back in there?

A No, I don't.

Q Did you ever stop anyone and tell them—

A I don't remember ever stopping anyone. Most of my remarks were in public gatherings. I'd tell them to stay out of the stores. I did it right in the gatherings and I would tell them to stay out of the stores. I did that at every public gathering. But I didn't go out patrolling the streets. Usually what I would do, I would go and park and just sit. And the mere fact they saw me sitting there would be a deterrent if anybody wanted to go because they respected me that much, and I appreciated that.

Q Did they respect you or fear you that much?

A They respected me and loved me that much. They don't fear me.

Q They don't?

A No. I'm the best thing that ever come their [4695] way and they're the best thing for me.

Q You're satisfied of that.

A I certainly am.

Q When you would see black people going into white stores, what, if anything, would you do?

A Not a thing. Frankly, I never saw them. The only lady that I saw going was this lady, this real light-skinned lady. No one ever saw anybody but her. And we just wrote her off as one of those—and I know I said

in the meeting, "The little colored folks that's going in there, they ain't enough to keep them in business, so don't worry about them. The rest of them, the majority of us stay out of there. Because being in business myself, I know you're operating on 20 percent, anyway. And when you're losing 60 and 70 percent of it, you can't survive. They'll come around." And all we was talking about was coming around to hiring our folks and giving us courtesy titles, giving us a decent pay. That's all we was asking.

* * * *

[4700] Q I show you what's been introduced into evidence as Exhibit C-23, which purports to be a photostatic copy of a minute book with names of members. Turn to Page 2, I believe it is. See the very top of that page, the caption.

A The Deacons?

Q Right.

A I see it.

Q And is there not there a list of individuals with areas to the right of their names indicating the payment [4701] of dues or monies?

A I don't know what it indicates, but I see some figures there. I don't know nothing about that.

Q You're not acquainted with that organization at all?

A I'm sure not, not the Deacons. I know they had it in Louisiana. I know they came to Fayette, as I said. They did come to Fayette. The man himself came there, and we ran them out. I said, "We don't need anybody. We local folks take care of our own business. We don't need you here." Even when some of the students came down from the college, we wouldn't let them get involved in it.

* * * *

[4705] Q Let me ask you this. Look at Exhibit C-23 again on Pages 2 and 3. Look at those names and see if you don't recognize those as being local people there in Claiborne County.

A I do, sure. But, like I say, I didn't know they were dong this. I had no idea they had been paying. I know we wasn't paying, not that I know of. Remember, I was only in Port Gibson about once, maybe twice a week. What they was doing, I don't know. I'm not going to say it didn't go on. I wouldn't dare say that. But I didn't know, and I know the NAACP had better not have been paying them because we didn't have no money to be paying nobody with. If they did, I'd like to know where the money come from. If all those men get $50 a week, that's—

Q I believe that's 50 cents paid in as dues.

A Oh, 50 cents, oh.

Q That was a voluntary payment on their part, I [4706] believe has been testified to as their dues for the organization.

A Oh, I didn't know about that. I wasn't a part of any of that at all.

Q When you were there this once or twice a week during the period of the boycott, were you aware that there were people standing on the street as store watchers who wore black hats as symbols of their presence as store watchers?

A I knew that they wore black hats. Now, I don't know what their reason was. I know they wore black hats.

Q It was a uniform type black hat, wasn't it?

A I don't know whether it was or not.

* * * *

[4713] Q Were you ever aware of any occasion when Mr. Williams organized a group of marchers, a small group, and marched them as if they were in a military drill formation either on the streets of Port Gibson or behind Mr. Hudson's store in the vacant area there?

A I don't know if Mr. Williams did or not, but we did have that type of thing, because we was trying to show the discipline and let them know how to be erect and how to be courteous and how to walk straight and

stand straight and look like we were somebody. Attorney, the whole thing was we were trying to impress upon them that we can do something and that we are somebody, we ain't just a bunch of thieves, and we aren't dirty and we aren't filthy and we aren't liars. I think it's the long, round about way of doing it, but we were trying to convince our white brothers that we are somebody. And we might have went in a bumbling, crazy way, but I think it all boils down to that. Just give us a chance.

[4714] Q You were trying to impress them with your strength in numbers, too, weren't you?

A Right, absolutely. And we were trying to show them we were 80 percent of their community, and at least we should have at least 2 percent of the jobs or 1 percent.

Q Who was in charge of the group that were drilled as an erect marching organization?

A I think Mr. Williams. I'm not sure. I don't want to put too much on him, but I think Mr. Williams was. Like I said, I wasn't up there that much when all of the details went on, but I think he was. Now, I had very little to do with that kind of thing. Like I say, I was up there once or twice a week and most of it was at rallies and sometimes ride up there just to see how the town looked and case it.

Q Your present recollection is that Mr. Williams was the person.

A I think so. I don't want to say for sure about it. I don't know who he designated to take over from him. But I think that most of it—I remember we had the old Army background and we know what it takes. Most of us did that. We believe in that. For instance now, my officers salute me. It's one of those military things that I have.

Q Your background is military.

A Right.

Q And you know something about close-order drill.

A Right.

Q And how to column right and column left.

[4715] A Right.

Q And all of the various drill formations, don't you?

A Right.

Q Do you know whether or not the drilling was done with weapons?

A No, I don't think so. I'm almost sure not. I don't think so. I never heard of it.

Q If it were, it was not within your knowledge.

A It certainly wasn't, no, sir.

Q How would he go about recruiting his drill people?

A It was all a volunteer thing. All of our activities was people who, if they were going to be in the protective squad, who was going to be working tomorrow, who was going to be available and so forth. And it was sort of a day-to-day thing. And in the summertime when everybody was out of school, it was much easier to have youngsters because they wasn't doing anything. That's the way it was done, more or less on a voluntary basis. They all volunteered.

Q Someone has to organize.

A I'm saying Mr. Williams. I think Mr. Williams. I'm almost sure Mr. Williams was in charge. I'm almost positive of that.

Q Now, these were the people that were out on the streets to protect the youngsters.

A Yes.

Q So they would be mature people, would they not?

[4716] A Some of them were and some of them were not. Now, we had some youngsters and some high school kids who were out there, too. So I'm really telling the truth about it. They wasn't all my age and your age. There were some of them just high school, big huskies who were out there, too.

Q They were pretty impressive looking physical specimens, weren't they?

A Oh, yes. They could take care of business, if necessary, I think.

* * * *

[4733] Would it surprise you to know that George Henry Walker's name is listed among the Deacons here?

A No. I was surprised to see any of them as Deacons. I know he was one of the prime movers of our security and in securing the safety of our pickets. I know that. But I didn't know that they had formed that at all.

* * * *

[4737] Q Do you remember the occasion when news came of the assassination of Martin Luther King? Were you in Port Gibson shortly after the news came of his assassination?

A I don't know. I was on my way somewhere. I don't remember what I did, really. I just don't remember. That was such a shock and he and I were so close, I don't remember what I did. I was on my way some place, either to Fayette or Port Gibson. Wherever I was going, I didn't do much.

Q After the shock of the news kind of settled down on you, didn't you go back to Port Gibson to urge the people to get back on this boycott and hold tight and hold fast?

A Not about Martin. I didn't have nothing to do with that.

Q You didn't have anything to do with that?

A Oh, no.

Q Are you aware of some burnings that took place, some buildings of the white people in Port Gibson [4738] following the announcement of the news of the assassination of Martin Luther King?

A I think I heard something about it. But, Attorney, I guess I'm the one guy who was in three or four different towns in this state saying "Don't do it." And I think even here in Jackson, I was here and I was all

over telling them, "Don't do it." I'm not trying to ask you to do me no favor. I think that somewhere I've used some judgment, and I think that the one thing I can say is that we haven't ever used the NAACP or me to go out and physically destroy anything or anybody. And I've always tried to tell my folks that violence is not the way. "Martin is gone, and that's not the thing to do now." As I said about my brother, and I will do everything in my power that he didn't die in vain, and the way to do that is through political and economic and education. And I've tried that and I'm still trying and I'm going to keep trying.

Q You also advocate on occasion and have corrected the members of your family, your black family, meaning the whole race of your people, when they do wrong, don't you?

A Right. You see, every family has a right to discipline. Every race has a right to discipline. Now, there are many ways you discipline people. The white race during the early race, they formed the Ku Klux Klan to whip them in line if they got out of line. The Germans found other ways to do things. But we feel like our way is a good tongue-lashing and embarrassing them and showing them how backwards they are to do things. And this has hoped [sic] us. You [4739] haven't ever seen where we've taken anybody out and lashed them or beaten them.

Q You haven't paddled them?

A Pardon?

Q You haven't given them a whipping?

A No, sir, I haven't. I know I haven't. I never advocate it, no, sir. I say we've got a right to discipline. I say we have a right to discipline and I said even—about the breaking of the neck. But no one has ever gone and beaten. Some of them need it, I'll admit.

Q In your book, didn't you suggest that a good whipping sometimes was a good way to get people in line?

A Well, I still say it's a good way because my Mama whipped me and that's what kept me in line.

Q Haven't you advocated whipping these people who got out of line in the boycott?

A. Not physically whipping them. I didn't say whipping. I said it would do them good to give them a good whipping. See, there are many ways to whip people.

Q Didn't you also suggest they might have a brickbat thrown through their windshield?

A Oh, no.

Q You didn't say that in your book?

A No. I said some people suggest. Read my book good because I wrote it. I said some even suggested throwing brickbats through the window or put sugar in their tank. I said all that. But that's not my way of doing.

Q We're going to talk about your book in detail later. I just want to see if your memory is good on what [4740] you might or might not have said in your book. Now, this tongue-lashing that you would give these people to embarrass them where they were violating the stay away from the buying in the white stores, where would these tongue-lashings occur?

A Wherever it was necessary, in meetings or on the streets or wherever we thought that they needed it. That's the only way we had. "You know you shouldn't do things like that. Now, why would any of us go and buy from people who have done called you 'Nigger' and had something to do with killing or beating you or paying you nothing? You're not going to get nowhere until you stand up and be somebody and stay out of there." I say that, and I still say it every day now. I'm still guilty of that.

Q When you discovered or your people discovered someone violating the boycott, their names would have been read out and were read out in the NAACP meetings, weren't they?

A Right. That was one of our ways of doing it. And nobody bothered them, as I know of.

Q Well, they bothered them in the sense of giving them a tongue-lashing, didn't they?

A Oh, yeah. But, see, that's freedom of speech. You have a right.

Q I didn't say you didn't have the freedom of speech right. I agree. But I'm asking you isn't that one of the ways you had to punish them.

A Right. To embarrass them.

Q And you would call them Uncle Toms.

[4741] A Right.

Q And Handkerchief Head.

A Right.

Q And the White Man's Nigger.

A Right. And most of them were guilty of it, those that did it.

Q I'm not questioning their guilt or innocence. I'm asking you if this didn't happen.

A Right, sure.

Q And they would be kind of ostracized socially because they had done these things, wouldn't they?

A Well, I guess to answer that I have to go a little around it. We have found that white people who didn't approve of what other whites did sort of pushed them aside and it worked effectively. We found that a lot of whites in Mississippi would be different if they didn't think their neighbor would ostradize [sic] them, so we sort of learned this. I guess the answer to the question is yes.

Q The answer is yes, that was what you were doing was giving them social ostracism, wasn't it?

A To try to teach them how to behave constructively.

Q Whip them back in line, wouldn't it?

A That would make them understand that they've got to do right.

Q They got the message. Kind of like hitting an old mule with a two by four.

A Well, no, we don't. We didn't hit people with two by fours. You see, our way of discipline was a little more subtle than our precedessors had been, and we

thought [4742] that we had that right, and we still think that, to keep people in line and respectable, the same as my job as Mayor. You'd be surprised the things I have to do to keep people in line.

Q No, I wouldn't be surprised. I call your attention to April of 1969. Was the boycott still supposed to be on in April 1969?

A I'm sure it was. I think so.

Q You recall the occasion, I'm sure, because you recited it in some detail in your book, of the death of Roosevelt Jackson. Where were you when you learned that Mr. Jackson had been killed?

A I was in Fayette.

Q And what happened when you learned of this?

A The first thing I did, they said, "Mayor, come up here quick because there's going to be a riot because people are getting all in the street." I said, "Look, just hold them until I get there." And I jumped in my car and went about 90 miles an hour up the road. And I got there and they was all in the streets, everywhere. And all I tried to do, I tried to talk to them and tell them, "This is not the way. Let's just hold on, just cool down, and come on back around to the church." We went back around to the church.

* * * *

[4744] Q And you made a talk there on the porch.

A Right.

Q From that point, you led them in a march to the church?

A I think so, Attorney. I'm not sure. I think so. Let me explain something that most people don't understand. During the time of people raving and confusion, you've got to do something to get that steam off. And my method has always been and has worked, just march, let them walk. You've got to do something. And every policeman will tell you in his town that I marched, just don't stop them, we'll take care of it. That's the Natchez Police Department, that's the Hazlehurst, the Crystal

Springs, that's the one in Port Gibson. Don't block them, just let them march. I will stay there. We just walked and walked until they finally get all right and then you can talk to them. But once they have blocked them, it would have been one terrible thing. So that was my way of doing. I did it right here in Jackson, right in this same town. So it's a method of cooling people off and letting them get their [4745] frustration out by walking and showing "I can walk these streets." And that's the one thing we had. Rather than throwing bricks and shooting and getting somebody killed. If you will notice, we never had a single bad confrontation except one, and that was that Jackson State thing. If I could have gotten here—and I'm not bragging—that wouldn't have happened. I just couldn't get here in time. So the answer to your question was yes, we walked and we walked, and the Sheriff will tell you this. He and I worked very closely on these kind of things.

Q You walked all the way from Mr. Jackson's home to the church.

A Right.

Q And there was a meeting there.

A Right.

Q And you made a talk.

A Right.

Q You called for an intensification of the boycott at that time.

A I believe I did.

Q In fact, you insisted that everybody stay completely out of the white stores.

A Right.

Q Regardless of whether some of them had been taken off the boycott or not.

A I don't know whether I said that or not, but I told them to stay out of town.

Q Leave town completely.

A Right.

• • • •

[4748] Q So at that time you made a talk with reference to the dismissal of the two policemen who were involved in the shooting of Mr. Jackson.

A Right.

Q If I understand and recall your words, you pointed out, of course purely from hearsay, from what others told you—

A Right.

Q —that Mr. Jackson was charged with interfering with the officers attempting to make an arrest earlier in the day or earlier in the evening.

A Right.

Q And from that point they had apparently gone to his home and he apparently had been drinking excessively.

A Yes, sir.

Q And they attempted to arrest him and the black policeman held his arms and the white policeman shot him in cold blood.

[4749] A His wife stated that.

Q His wife did what?

A Stated that. She was looking at it.

Q And you called for the dismissal, not the suspension, but the complete dismissal of both of those policemen.

A Right.

Q And you also called for the dismissal of the Chief of Police, Mr. Rodney Porter, didn't you?

A I don't know whether I did or not. Maybe I did. I know I called for the two. I'm not sure whether I said the Chief or not, but I know I called for the two.

Q Then you made a talk in connection with this to the crowd assembled and you advised them that they must not break the boycott because you were emotionally disturbed yourself, weren't you?

A Yes, I was.

Q In fact, you were quite angry, weren't you?

A I guess I was, really, Attorney. To answer your question, the answer would be yes. I guess I've seen so

much bloodshed and so much mistreatment of folks, you just can't stay cool forever after you've seen your folks like that.

Q And at that time you told them that watchers would be placed on the streets and they'd better not break that boycott.

A I don't know whether I did or not. If you've got a tape of it, I'm sure if I said it I said it. I just don't know what I said that time.

[4750] Q After lunch, I want to show you a film where you said that.

A Well, if I said it, I agree to it. I'm not going to deny something I said.

Q You recall that there were films made of some of your marches and some of your speeches.

A Right. The press was always following around. They were there, and the FBI and the Highway Patrol, they were always there.

* * * *

[4764] Q I had asked you before lunch, when we recessed for lunch, about this book called "Evers" which had been published by the World Publishing Company.

A Right.

Q And I ask you if you will examine this and—

A Correct.

Q You will identify this as a copy of your book?

A Right.

Q Now, if you will, follow me while I read from this book.

A Just read it. I know what's in it.

Q You know what it says. Have you memorized it?

A I know. I wrote it.

Q All right. I'm reading from Pages 8 and 9 of your book. "No more women making $4 or $5 or $10 a week for 6 or 7 days' work, no, sir. I don't know of a single woman now who makes less than $30. The woman's biggest friend was the boycott. We tried it first in Natchez. Just pointed out to people how they were being

robbed. Nobody believed a black man could walk the streets of Natchez and tell white folks they were wrong. 1,500 of us did, though."

A Right.

Q "We just got up on the sidewalks and told people how wrong and mean they had been and that we weren't going to take it. This kind of thing gave the black folks there some guts. And we didn't use violence either. We [4765] used the old spiritual method. You ought to come down and see how we do. We have our own choirs, our own soloists, our own preachers. I always say God will deliver us, but we've got to help him, got to register, got to own something. We took nickels and dimes and made our own cooperatives, liquor stores, groceries, clothing stores. We stopped shopping where they wouldn't hire blacks and pay them at least $30 a week. They came around. Sometimes we had to discipline our own people, just like Mama did with us."

A Right.

Q "Turn [sic] them a little bit."

A Right.

Q "Nothing wrong with disciplining your own family. I'm not saying we beat anybody up. We took care of them in a way they understood. People would catch them coming out of an uncooperative store and take their bags away from them, destroy the bags, while they were paying to keep us in slavery, or a motor would lock on a car. There might be a bit of sugar in the gas tank. There occasionally may be somebody—I didn't do it—but somebody would send a brickbat through a window around midnight with a telegram saying, 'You shopped at such and such a place.' "

A That happened.

Q You agree with all of these things that I'm saying?

A It happened.

Q "See, people don't always obey because they want to. They usually obey because they have to. And they have to stop spending their money in racist, bigot-hater

[4766] stores." Is that a fair quote from your book on Pages 8 and 9?

A Exactly.

Q Now, this was written in 1971.

A Right.

Q At this time, there had already been the boycott in both Natchez and Jefferson County and your hometown of Fayette, or your town of Fayette rather.

A Woodville, Hazlehurst, Crystal Springs, Jackson.

Q And Port Gibson. And the things that you're saying about how this matter was accomplished were true in Port Gibson as they were in these other communities.

A I didn't say that. I said there are some things that happened. I didn't do them, but I was told these things happened.

Q Right.

A And I didn't do that.

Q Well, you were advocating them, weren't you, in your book?

A No, not necessarily. I was telling what was done to discipline, some of the disciplinary acts that was taken. I didn't say I did it nor did I say anybody in Port Gibson did it, nor did I say that anybody in Natchez did it.

Q Well, don't you know that there were reports that these things happened in Port Gibson?

A Well, there were reports here that we cut off somebody's hair in Jackson down on Farish Street. We didn't do any such thing.

[4767] Q You haven't answered my question, Mr. Evers.

A I heard that. I heard that.

* * * *

Q Now, on Page 131 of your book, where you were talking about what was done in McComb, I believe it was McComb in 1965—or perhaps I'm mistaken. It must have been Natchez. You stated, "I had all of my boys stationed at the Holiday Inn with rifles."

A Oh, no.

Q Well, read your book here.
A "I had all of my boys stationed"—

[4768] BY MR. ROYALS:

I want to reserve an objection here. I will tend to it all at one time, if it's all right with the Court, when he gets through with the book rather than to object to the individual things.

BY MR. SHELL:

I don't know what he is talking about.

BY THE COURT:

What is the purpose for the objection, Mr. Royals?

BY MR. ROYALS:

Well, the first passage was that it was not tied into the Port Gibson boycott. Mayor Evers said that he wrote that about some of the things that happened and he didn't say any of it happened in Port Gibson. So I think it would be prejudicial in the record. And now we're talking about some stationing of armed people in Natchez that he allegedly mentioned in his book. So I make the same objection to anything from the book that doesn't have to do with the Port Gibson boycott. The reason I didn't object earlier is that I don't know what it's going to be until I hear it, so I was going to wait.

BY THE COURT:

Mr. Shell.

BY MR. SHELL:

[4769] You want me to respond to that, Your Honor?

BY THE COURT:

Yes, sir, I do.

BY MR. SHELL:

My response, Your Honor, is this: this book is written on an overall basis. It would be impossible to read the entire book to Your Honor. The book goes through a pattern of how boycotting was carried out and how the enforcements of the boycotts was carried out, with certain specific instances. But it all goes into the overall picture of the modus operandi of the boycotts as they were carried out all over the various communities in the state. And I think it's pertinent to point out that these incidents occurred in this town just a few miles away from Port Gibson where the next step was to come to Port Gibson, or the next step was to go to Fayette and the next step was to come to Port Gibson. It's kind of a chain reaction sort of thing, Your Honor, and I submit it's admissible for whatever probative value Your Honor would see fit to give it.

BY THE COURT:

I'm going to overrule the objection.

A Attorney, may I tell you, this is an altogether different situation? This here is when we were desegregating hotels and motels around. This had nothing to do with boycotts at all, not a thing. I do remember. We did have own own security because, if we hadn't had, I probably [4770] wouldn't be here now. We did have that, but they were only in the places where they had all these Klansmen. And at that time Mr. Bryant, our President in McComb, had been bombed a couple of times, his home. And two or three of them, their homes had been shot in. Mr. Quinn's home had been shot in. And I did travel with protection. That is right. I did have my security there, but it wasn't nothing about no boycott. It was about desegregating the Holiday Inns, desegregating the Downtowners and the different hotels

across the state. That's what that was, not about boycotting.

Q I understand.

* * * *

BY MR. ROYALS:

Your Honor, at this point, I would renew the objection on the basis of the testimony of the witness here that it had nothing to do with the boycotts. The only way I could see this would be admissible would be as a declaration against interests on the part of Mr. Evers, who is an individual defendant. I would think the declaration against interest would have to be specifically tied to the events and not just to show a propensity.

BY THE COURT:

[4771] I believe he has explained that, Mr. Royals. He says it had nothing to do with boycotting, that there had been violence, that is, the headquarters of the National Association for the Advancement of Colored People had been bombed; that they had had threats and violence and that he did have protection, and that these people were used as security. I think that he's answered it. And for that reason, I'm going to overrule the objection. I think he has probably given a satisfactory answer to this thing. All right.

BY MR. SHELL (Continuing):

Q Now, on Page 132 of your book, Mr. Evers, you made the statement which I quote: "We had guns and hand grenades and everything it took to work with, and we meant to use them if we had to."

A Yes, sir.

Q Do you recall that statement?

A Yes, I do. That was in Natchez.

Q That's right. Now, where did you get hand grenades?

BY MR. ROYALS:

Your Honor, I raise a different objection, I think, because we are getting into another area here about where did he get hand grenades. I know this is cross-examination, and I know that cross-examination is liberal and wide-ranging in Mississippi, but I think it does [4772] have to be relevant and material to the question at hand, rather than to say "Where did you get hand grenades" or "How did you get hand grenades?" in an unrelated incident that has not been tied into this boycott here whatsoever.

BY THE COURT:

I think that Mr. Shell is on solid ground to talk about the overall picture of this thing, Mr. Royals, and I'm going to overrule your objection.

Q Could you answer the question?

A The question is answered very simply. We had friends who happened to be in part of the Mississippi National Guard, and occasionally they were able—who worked in there—they were able to get out a few hand grenades. And we didn't ever want to use them, but it was a matter of protecting ourselves. We never used one of them and they have been destroyed since then, but we did have them. I'm not going to lie to you. And I've still got my guns now. I'm not going to lie to you about that. But I don't use to [sic] them. I hope to God I never have to use them.

Q I hope you don't, too. On Page 133 and 134, again we're talking about Natchez, but I'm going to ask you if this isn't relevant to all of the places where you were going to have the boycotts called. Let me read the sentence to you first. "Every time we'd go to a town like Natchez, we'd give the City, the Chamber of Commerce, the Board of Education and the City School System certain demands we wanted them to meet, and we'd give them a certain date to [4773] meet them. We'd say 'Integrate all the school facilities. Hire blacks as

clerks in the stores. Hire black policemen, black deputy sheriffs.' We would take them town by town. One of our 12 demands was that Negroes be addressed as Mr. or Mrs. or Miss and that they quit calling us Niggers and Boy and Girl and Auntie and Hoss. But this was something the bigots never could agree to. We gave them 10 days to meet our demands and then we started our marching and picketing and slapped our boycotts on the town. What we're saying by boycotting is 'White folks, get your foot off our neck. White folks, turn loose some of that money and let us have some jobs. White folks, give us some better schools. White folks, let us have a part in the policy making. White folks, we're just as good as you are.'" Is that a fair comment?

A Attorney, I said it then and I say it now. I'd change not a word of it.

Q You agree with that now as you said it then and as you have said it constantly.

A I say it again. We have got to have a chance. All we are asking for is an equal chance to make a decent living and to be treated like everybody else. I'll die saying that, regardless of what it costs me personally. That doesn't matter a bit. Because we're not asking anything we're not entitled to.

* * * *

[4806] Q Now, under Section 2 of Article X, where the grounds for expulsion, suspension or other disciplinary actions are delineated here, it provides that "The National Board of Directors upon satisfactory evidence that an officer or member of the Association or of a subsidiary unit of the Association is guilty of conduct not in accord with the principles, aims and purposes of the National Association for the Advancement of Colored People, as set out in this Constitution and By-Laws for Branches"—that is, Exhibit C-40—"and as defined by the National Board of Directors and Convention, or is guilty

of conduct inimical to the [4807] best interests of the National Association for the Advancement of Colored People, may order suspension, expulsion or other disciplinary action against such officer or member, after full hearing in accord with the provisions of this Constitution." That's correct, is it not?

A Right.

Q Was it under this section that you were called on the carpet? I believe you said you were called on the carpet.

A I don't know what section I was called under, but I was called on it a couple of times.

Q You were not expelled, were you?

A Well, I think they withheld it once or twice, but I finally got it back. You see, it was a sort of hearsay thing, and particularly the thing of the Natchez, and I must say Port Gibson was one of the problems that it had with me on it. And we did have problems, yes. I think the record will show that. It's no point in me saying otherwise.

Q Well, after this hearing, you were given a clean bill of health, weren't you?

A No, not really. Well, after I went on a leave of absence, I ran for Mayor, I think, and really never got a clean bill of health and just faded on out of the picture, I guess, by running for Mayor and I was elected, and I never did go back.

Q Well, were you officially discharged?

A No, not really. But it was just a matter of time. If I hadn't run for Mayor, I would have been.

Q You think you would have been?

[4808] A Oh, I know I would have been. There is no question about it.

Q That's conjecture on your part, isn't it?

A Well, I know I wasn't doing everything according to Hoyle, and I think when you do that as part of an organization, as you read in there, there are certain rules and regulations that you have to do. If you don't do

the way they want it done, then you are subject to be suspended or fined, and I knew that.

Q What weren't you doing according to Hoyle?

A I think the main thing was our selective buying; as you say, boycotting. See, here we knew there were certain things that we had to do to get certain gains or certain concessions. And many times the National Office didn't see it that way. In my organization, you're sitting in New York and didn't know what's going on down here and you can't tell us what to do. As I say, we local folks were the ones who did, and that's why I don't want to blame them. I'm not trying to protect them. I want to be fair with them, too. I don't want to blame them for a lot of things we did because they didn't know a lot of things we were doing on a local level.

Q You were their Field Representative, weren't you?

A I was supposed to have been, yes. But still I done a lot of things they didn't know I was doing, and a lot of the branches, too.

Q When were you suspended?

A Well, I really wasn't suspended. As I say, I took a leave of absence.

[4809] Q When did you take a leave of absence?

A I ran for Congress—it's funny. You wouldn't believe this. But I got hot twice, and each time I ran—I ran for Congress and I took off in '68, wasn't it, that I ran for Congress when Governor John Bell Williams run? I think it was '68. I took off. I was in hot water then, so I just took a leave of absence.

Q You ran for Congress to get out from under the hot water?

A Not really. I was in trouble with them, and it just so happened that then when I got ready to run for Mayor I was in trouble then about this Port Gibson thing. It just so happened I ran for Mayor in '69. Now, I think I left the office either in February or March in '69. I think that's what the record will show. And I never did go back any more.

Q Are you still a member?
A Oh, yes. I'm a life member.

* * * *

[4817] Q Do you know a man by the name of Lonzo McClorin?

A I maybe would know him if I would see him. I don't know him by name. I would probably know him if I would see him.

Q See if this will refresh your memory in any sort of way, Exhibit C-23, which is introduced in evidence as the Minute Book of the Deacons, and you've seen it earlier during the day.

[4818] A Right.

Q On Page 10 there appears this notation: "Mr. Lonzo McClorin attend the meeting. He gave us some high points how to act as a guard." Does that refresh your memory in any sort of way about the man?

A No, it doesn't. Which meeting is that?

Q July the 11th, 1966.

A Was that a regular mass meeting?

Q No. A meeting of the Deacons.

A No. I don't know anything about them. I told you earlier I don't know a thing about that.

* * * *

[4823] Q You notice on the lefthand side of the first page of that exhibit, which is Exhibit C-6, there are a list of the stores that the blacks were not supposed to trade in.

A Right.

Q And on the right side there were a list of those in the lower right corner of people of the black community who had violated the boycott.

A Yes. I see it.

[4824] Q That was another way of getting at them to let them know if they violated the boycott they were going to be punished, wasn't it?

A Well, not to be punished. They were going to be talked about, ridiculed, not physically punished, but they were going to be talked about and made ashamed, we hoped.

Q Isn't that a method of punishing someone?

A Yes. Discipline them. The whole idea was to discipline those who we thought were doing things that were keeping us enslaved and denied and on the welfare, and we just don't want no more welfare. It's been sickening to us over the years.

Q Mr. Evers, do you know a black woman in the Claiborne County community by the name of Suzy Gibson?

A Suzy Gibson? Not that I know of. Maybe I do. Let me say again—I keep repeating—I know most everybody there by their face, but their names I just don't. If I would see her, I probably would recognize her. I just don't know her by name.

Q I believe I asked you earlier in the course of our interrogation about someone coming out of the Ellis Variety Store, and I asked you if you didn't stop that person and advise that person, who apparently had been a customer in there, that that store was under boycott and she was not supposed to trade there. Do you recall my asking you?

A I remember you asking me, yes.

Q And what was your answer to that?

[4825] A My answer to that was that I haven't said to any person—most of my remarks were in meetings, public meetings. I did advise people in public meetings not to go into the stores, but I don't ever recall stopping anybody on the street and saying anything to them personally. I did go into Mr. Ellis' store and I went into Piggly-Wiggly. I went into all of them and observed and see what they were doing, and that's how I knew they didn't have any blacks. At that time we [sic] colored, colored folks working in there in any responsible positions. But I don't remember me ever saying anything to anyone

coming out of Mr. Ellis' or anyone else's store. And we tried to make it clear to those who were there not to bother them, because there were such a few going in that we didn't have to worry about it.

Q You received reports, did you not, that some of the people whose homes were violated—I'm sorry—who had violated the boycott had had their homes shot into?

A I heard that. I didn't see no report. I just heard that.

Q I said you had received reports, not that you had seen a report.

A No. I just heard it in meetings and different people talking that that had been said. I never saw that. The same as I said about here in Jackson where someone said someone cut a woman's hair off. I never saw that. No one else ever saw it. They heard it. For shopping. I don't know.

* * * *

[DIRECT EXAMINATION]

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[4846] Q Mayor Evers, I think Mr. Shell, in his interrogation of you earlier today, pointed out that many of the things on the two letters, C-1 and C-2, were directed to public officials rather than to merchants. Can you tell the Court how you intended to deal with that situation if they did not comply with what you asked and what you expected them to do?

A Well, see, we made it clear that "We will take care of you election day." That's why I'm surprised they don't show any of the things that we said in that way. The public officials, we told them, "Just wait. We're going to take care of you election day." I think Dan McCay will tell you that. I said, "Dan, you won't be there next time because we are going to make sure that you are gone, Boy, because we're going to get somebody to beat you." We haven't been able to do it yet.

He's a pretty good man, I guess. Even the black folks won't vote against him. But, anyway, we tried, and this is the way we're going to do it.

* * * *

[4850] Q Now, you indicated that you were in trouble with the National Office.

A Yes, sir.

Q Would you explain to the Court how that came about, how it developed?

A Well, they tried to get me to pull off, not to go through the boycott in Natchez. That was the first thing they did. And they said if I did, they were going to fire me. I said, "Well, start firing me." That was the first thing. That was way back in '65. Then when the Port Gibson thing came on, they didn't support me at all. They wouldn't give me any help at all. They didn't give us no bail money. They didn't give us anything. We were put in jail in Natchez just by the truckloads. They didn't send us a dime down there, not a quarter, to get nobody out of jail. Then the same thing happened in Fayette and the same thing in Port Gibson. They never sent us a penny, because they were saying that they were not going to do it, they didn't want it. As the attorney said, they didn't use I guess the power they had to say, "We're going to throw the branch out." But I think at that time had they thrown us out of it, they knew it would hurt them all over the country, [4851] because at that time things were rough in Mississippi. Thank God they ain't that bad now no more. We are very much advanced. And they didn't help us at all and they were saying I was violating the rules of the NAACP by going around them doing it and they were going to suspend me.

Q When these discussions took place, were these by letters or by telephone calls or what?

A I got a letter from Roy. Then I got called over to Birmingham. And the only reason they didn't fire me in Birmingham—well, let's go back a little further. The

first was in New York at the New York State Conference. Mr. Wilkins and Mr. Kern and I believe Mr. Marcelle and all of the tops called me in because I was violating the rules by supporting Senator Robert Kennedy, who was running for Senator in New York. And they were suspending me for that. And then when I got back home and I got up enough steam, I had enough friends across the country in enough branches, and I did this, and I got enough heat going from all the branches across the country that they backed off. Then when I got in trouble in Natchez and they came to Birmingham in '66 and they were really going to fire me then, I carried two busloads of Mississippians over there to Birmingham, and we just stood pat and we told them in no uncertain terms, "If you fire him, take the whole NAACP out of Mississippi." And they didn't do it then. They backed off then. So it's been this kind of confrontations we've had that I'm not in good standing with the National Office at this day. And, Attorney, I'm not trying to be smart. You've got to understand. They just don't understand what it takes [4852] and how blacks and whites in this state have had to get along. And I make no bones about it, you being who you are, we have gained much through this kind of nonviolent confrontation. I think anybody will tell you that. That's what it was about. And they don't approve of me right now. If you will notice, they never invite me to speak anywhere, they never let me be on the program, any NAACP any place, other than Mississippi. And the National Convention, I'm never invited to even come.

Q You did go to the last one, didn't you?

A I just go anyway, as I did last time.

* * * *

[4859] Q On two occasions when you took your leave of absence, I believe you said one of the occasions you were having a problem about Natchez.

A Right.

Q And you were called on the carpet about it.

A Right.

Q And on another occasion you got in all that trouble because you openly supported Robert Kennedy.

A Right.

Q Was this when Kennedy was up for nomination for President?

A No. That was before. That was when he run for the Senate in New York state.

Q Senator from New York state.

A Right.

Q You were up there actually actively campaigning in his behalf.

A Right. And that's against the policy. We're [4860] not supposed to do that.

Q But you were not discharged on either of these occasions, were you?

A No. Like I said before, we put a little internal pressure on them and they sort of backed off.

Q They wanted to put internal pressure on you, and then you put internal pressure on them by taking two busloads over to Birmingham and saying, "Now see here, you fire me and see what will happen."

A Right. Sure did.

Q And they didn't fire you, did they?

A No, they didn't.

Q They kept you right on the payroll, didn't they?

A Yes. But I think I stepped down a few days later, so it didn't matter, anyway.

Q That was voluntary on your part, wasn't it?

A Yes.

Q It wasn't coercion on their part.

A No. They didn't fire me.

* * * *

[Witness Rudy Shields]

[CROSS-EXAMINATION]

* * * *

[4996] Q Now, does this refresh your memory that there was an organization called the Deacons?

A I still say there was no Deacons. I can explain that. We were catching a lots of hell from the white racists, and we tried to organize the Deacons, but the Deacons didn't want to organize in Port Gibson. So we used the word Deacons to frighten off the Klan.

Q To fight off the Klan?

A No. To frighten them off.

Q Pardon?

A To frighten them off.

Q To frighten them off?

A Yeah.

Q Did you know there was an organization of the Klan in Claiborne County?

A I didn't know for a fact, but there was some racist rednecks who was attacking us, calling us, making threats.

Q So you organized a group which called itself the Deacons.

A I organized a group who was the Black Hats. But we did use the word "Deacons" to make the Klan think we had the Deacons there.

Q Well, the Black Hats also served in the capacity as store watchers, didn't they?

A No. Some of the members might have participated, [4997] but Black Hats were organized for guards, to guard my home and—

Q To guard your home?

A Yes. And all the people who were being threatened, to guard them at night.

* * * *

Q Now, you were present when this organization was put together, weren't you?

A I organized it.

Q You were the one who organized it.

A Yeah.

[4998] Q Didn't they meet in the Masonic Building there in Port Gibson?

A Yes.

Q And what significance did the word "Black Hats" have?

A It didn't have any significance. At that time other black groups was organizing in the North, and the purpose of the other groups was to protect the black folks, and I felt something black would let those who were planning on attacking us know that we had no intention of standing idly by and watching black folks being attacked.

Q So this was purely a protective organization, as I understand it.

A Yes.

Q No purpose in connection with the boycott.

A No. Most of the people who were members, most of them worked during the day, and those who were on the street during the week were usually teenagers, along with myself.

Q Wouldn't someone be on the streets watching the stores to warn the people not to patronize the stores because they were under boycott?

A I usually handled these, along with some teenagers.

Q You were the one who was in charge of the watchers to keep people out of the stores or to warn them to stay out.

A Not to warn them. To solicit their support in the boycott.

* * * *

[Witness Albert Weathers]

[CROSS-EXAMINATION]

• • • •

[5136] Q Do you know a man named Emerson Davis?

A Emerson?

Q Yes, Emerson Davis.

A I know him.

Q Had you heard or did you know that he had been threatened a number of times because he refused to obey the boycott put on by the NAACP?

A Yes, sir, I heard it.

Q Had you heard that his windshield had been broken out because he refused to obey it?

A I did not hear it.

Q Did you hear that he had been beaten by a gang of Black Hats who also shot through his windshield?

A I didn't.

Q You did not. Had you heard that he was threatened by a man named Jim Ellis?

A I've heard it.

Q You heard that he was threatened by a man named Jim Ellis.

A I don't even know Jim Ellis.

Q You just heard that he had, but you didn't know any of the parties.

A No.

Q Did you hear that he had been threatened because he would not observe the boycott?

A No, I didn't hear it.

Q You didn't hear the reason why.

A The reason.

• • • •

[Witness Marjorie Brandon]

[CROSS EXAMINATION]

* * * *

[5637] Q What were you told would happen to you if you did go in these white stores and trade?

A Well, in the meetings there were statements saying that you would be dealt with.

Q What did you understand they meant by saying you would be "dealt with"?

A Well, my understanding was that they wanted black people to stand together and then you could get something done.

Q Answer the question. What did you understand they meant by saying you would be "dealt with"?

A Well, it meant that they would take care of you, do something to you, if you were caught going in.

Q You would be punished, wouldn't you?

A That's right.

Q And you understood that, didn't you?

[5638] A That's right.

Q In other words, you could have something happen to you?

A That's right.

Q You wouldn't be blessed upon, would you? And you understood that, didn't you?

A That's right.

Q And as a matter of fact, certain people did get punished who violated the boycott, didn't they?

A Well, for me knowing it personally, I don't know, but there were talk.

Q There was a lot of talk about people being punished who violated the boycott, wasn't there?

A That's right.

Q And you knew that was going on by virtue of the conversations from the whole community, didn't you?

A Well, I thought it was going on, but so far as me knowing, I didn't really know.

Q You thought it enough that you were not going to violate the boycott even if you wanted to, didn't you?

A No, I didn't violate the boycott.

Q I say it had enough fear in it for you that you wouldn't violate it anyway, would you?

A That's right.

Q You knew that something would happen to you that would be unpleasant if you violated it?

A I felt like it would.

Q You had been so warned, hadn't you?

[5639] A That's right.

Q As a matter of fact, names of people were read out in the meetings, weren't they?

A That's true.

Q I am talking about in the NAACP meetings, people who violated the boycott would have their names read out in the open meeting as being violator of the boycott?

A That is true.

Q And these people were considered as being uncooperative and you wouldn't have anything to do with them socially, would you?

A I wouldn't have anything to do with them?

Q You were told not to, weren't you?

A Yes, those statements were made.

Q And you knew that was the purpose of calling out their names, so that they would be put on a bad list in the other people's minds in their community, weren't they?

A That's right.

Q Now, this boycott went on for some time, and there were groups organized as enforcers of the boycott, weren't there?

A Of my personal knowledge, I don't know, but there were rumors that this group was in action.

Q It was generally understood throughout the entire community that there were enforcers known as the Dea-

cons for Defense that were going to see to it that if you did violate the boycott that you would be punished?

A There was rumor, yes.

• • • •

[Witness Thelma Crowder]

[CROSS-EXAMINATION]

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[5771] Q Do you know Phil and James Gilmore?

A No, I don't know them.

Q Have you ever heard of them?

A I have heard of them.

Q You heard that their house was shot into because they violated the boycott, didn't you?

A I heard about it.

Q Were you in sympathy with that, shooting in peoples' houses?

A Sure, I was in sympathy.

Q You would do most anything to enforce the boycott, wouldn't you?

A Would you repeat?

Q You would do most anything to see that the white merchants were boycotted, wouldn't you?

A What do you mean by most anything?

A You just told me you were in favor of shooting in the Gilmore's house because they violated the boycott?

A No, I didn't. I did not.

Q I believe you did.

A No, I didn't.

BY MR. WILSON:

May we approach the Bench, please, because I don't want to be accused of instructing the witness, Your Honor?

[5772] BY THE COURT:

All right.

(PAUSE IN PROCEEDINGS.)

BY MR. GORE: (Continuing)

Q Do you know Johnnie Cox?

A Who?

Q A man named Johnnie Cox?

A No, I do not.

Q Have you ever heard of him being threatened for getting some cleaning out of a white cleaners?

A No, I haven't heard of it.

Q You know Emerson Davis, a commercial fisherman, down there, don't you?

A Yes, I know him.

Q Do you know him pretty well?

A No. I don't know what you mean by "pretty well." I just know him. That's all. I know a little bit about him. I have seen him a few times.

Q And you know he didn't pay attention to the boycott, did he?

A I don't know that.

Q Did you hear that he got beat up by Rudy Shields and some colored people down there?

A No, I don't remember hearing it.

Q How about Laura Cullins, do you know her?

A Yes, I do.

Q You heard that she wouldn't observe the boycott, didn't you?

[5773] A I hope you will speak a little clearer, because I might be misinterpreting what you say.

Q Did you hear that she didn't pay any attention to the boycott?

A I heard it.

Q Did you hear that her house was shot into?

A No, I did not.

Q Did you hear that her son, Muriel Cullins, had a brickbat thrown through the windshield of his car because he wasn't observing the boycott?

A No, I don't remember hearing it.

Q How about Willie Myles, do you remember him?

A No.

Q He lives in Hermanville.

A No, I don't know him.

Q Did you hear anything about him being threatened about the boycott?

A I don't remember.

Q Do you know Preacher White, the big, fat fellow that wore overalls?

A No, I don't know Preacher White.

Q Have you ever heard his name mentioned or anything about him?

A You will have to give me a little time to think, and still I can't remember everything. But, no, I don't remember hearing that name.

Q Did you hear about him getting whipped because he didn't observe the boycott?

[5774] A I don't remember.

Q Do you know Joe Heath and his wife?

A Joe who?

Q Heath. H-e-a-t-h.

A No.

Q How about Jasper Coleman, a colored contractor down there?

A Yes, I know him.

Q Do you know whether he observed the boycott or violated it?

A I don't know.

Q Did you hear about him being threatened about the boycott?

A No, I have not.

Q How about Alfred Sheppherd?

A I don't know him.

Q How about Tommie Rice?

A Yes, I know him.

Q Do you know whether or not he observed the boycott?

A I don't know.

Q Did you hear about his house being smeared with paint?

A No.

Q You didn't hear about his house being smeared with paint about some trouble about the boycott?

A No, I didn't hear it.

Q How about Suzie Gibson, do you know her?

[5775] A Yes, I do.

Q Did she observe the boycott, or do you know?

A I do not know.

Q Do you know Elmo Scott?

A Yes, I do.

Q What does he do?

A I don't know.

Q Did you see him picketing or marching?

A I don't remember.

Q Did you ever see him wearing a black hat around Port Gibson?

A (No response)

Q A big, black straw hat?

A I don't remember.

Q After the boycott started there was a group of young colored men called the Deacons. Is that right?

A (No response)

Q Did you understand my question?

A Repeat it, please.

Q After the boycott started, a group of young black males were standing around on the street corners making sure the boycott was enforced, isn't that right?

A I don't know.

Q You didn't see any of them standing up and down the street in front of the white stores?

A Would you let me relate this to you? I was a housewife, and had a sick husband at the time, and I was first in the hospital and out of the hospital, and when I wasn't [5776] doing that I was at home. I have

never been a person to be hanging on the street. I go up there and attend to my business, and go back home.

Q But you had to pass the white merchants' stores to go trade with the black merchants, didn't you?

A What year was that?

Q 1966, 1967 and 1968.

A I think we had two or three black stores at that time. Yes, I had to pass white stores.

Q You observed the picketing, didn't you, carrying signs up and down the street?

A Yes.

Q Did you observe some young black males standing around with black hats on watching the stores?

A To be fair with you, I have never seen them standing around at the stores, to say, watching them, to my knowledge. I don't remember seeing them.

Q You have heard of the Black Hats, and the Deacons, haven't you?

A I have heard of them, but I don't remember seeing them.

Q And it was general knowledge in the community that they were put there to keep the other black people from going in the white stores, weren't they?

A I couldn't give you the answer to that because I don't know.

Q It was common knowledge, wasn't it, that they may hurt somebody if you tried to go into a white store when [5777] the boycott was on—they would take your packages away from you?

A I don't know. I haven't seen any of that, and I don't know.

Q I'm not asking now about what you saw, but wasn't it general knowledge in your community that that is what they were for?

BY MR. CARTER:

If the Court please, she keeps saying that she doesn't know.

BY THE COURT:

I think she has said it over and over again that she doesn't know. Mr. Gore, you just can't keep on asking the question over and over again.

BY MR. GORE:

Judge, I was asking her wasn't it common knowledge.

BY THE COURT:

All right, if you can answer that question, was it common knowledge or was it not, that there were people on the street watching these stores for the purpose of enforcing the boycott?

A Come to my knowledge, I don't know.

BY THE COURT:

The question was, was it common knowledge? Common knowledge meaning . . .

A Explain it, please.

BY THE COURT:

[5778] All right. A thing that was throughout the community—that people heard throughout the community, everyone was talking about it. Do I make myself clear now?

A Yes, you do.

BY THE COURT:

Did this happen in relation to anyone who was on the streets down there supposedly watching the stores?

A I can only say I did not see it. I heard it, but I did not see it.

BY THE COURT:

Well, you heard it?

A I heard it, but I did not see it.

BY THE COURT:

I am not asking you what you know of your own personal knowledge now. I am asking you if it

wasn't a common thing talked about throughout the community?

A I heard it.

BY THE COURT:

You still haven't answered my question, and I am going to ask it *one more time.*

A Uh umm.

BY THE COURT:

And one more time only. Was this something that was talked about throughout the community?

A Yes, it was talked about. I don't know about common.

[5779] BY THE COURT:

All right.

BY MR. GORE: (Continuing)

Q Do you know Jim Ellis, Jr.?

A Jim Ellis, Jr.?

Q He worked for MAP.

A Yes, I didn't know he was a junior though, but I know Jim Ellis that worked for MAP.

Q What did he do for MAP?

A He was a—I think Jimmy was a teacher.

Q And he was active in the boycott, wasn't he?

A I don't know.

Q Did you ever see him marching or picketing?

A I don't know. So many were in the march that I can't dare say that I remember seeing him in it, and I wouldn't say that he wasn't. I don't know.

Q Did you ever see him in the church at the NAACP meetings?

A Yes, I have seen him in the church.

Q Would he attend regularly?

A I don't know. I have seen him in the church, but I don't know how regular because I didn't attend all of the meetings myself.

Q Well, he was there everytime you were there, wasn't he?

A I don't know.

Q Don't you remember seeing him, or not?

A I couldn't remember who all would be there at the same time I was there.

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[Witness Eli Brooks]

[CROSS-EXAMINATION]

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[5811] Q Who told you about the boycott after you got sick?

[5812] A Well, there was a white lady that lived next door to me. She asked me had I heard it on TV, and I told her, "no." She said, "Well, they throwed a boycott in Port Gibson." And a thousand and two, and that's where we live. I say, "No, ma'am, I hadn't heard it."

Q What was this white lady's name?

A Mrs. Housley.

Q Who?

A Lizzie Housley.

Q Lizzie who?

A Housley, H-o-u-s-l-e-y. Housley.

Q H-o-u-s-l-e-y?

A l-e-y, right.

Q Now after she told you about it did any black people ever tell you about the boycott?

A Well, occasionally along I did get a few words about it. Some would come by and see how I was doing, something like that, and they would mention about it, tell me about it.

Q What did they tell you . . .

A Well, they asked me did I know there was a boycott at the stores, and all of that. So I didn't—all I could do was just tell them I heard, and that's all.

Q What had you heard?

A The stores were boycotted.

Q What stores were boycotted?

A The way they tell me they was all of them.

Q All of the white stores?

[5813] A Most of them.

Q Did they name any particular stores?

A Well, they might have did. I don't know. I know they say all of them were boycotted.

Q Do you know what a boycott is?

A I'm not familiar with them any more than what I read there.

Q What did you hear there a boycott was?

A How is that now?

Q What did you hear a boycott was?

A Well, say for no one to go into the stores, and not to buy anything from them.

Q Not to buy anything from the white merchants?

A Yes.

Q Why didn't they want you to go in the stores and buy anything from the white merchants?

A Well, I don't know, that is just what I heard them say. Don't go in the stores, and don't buy anything from them.

Q What did these people want to accomplish by refusing to buy in the white stores?

A If you're asking for the truth, I'm going to tell you. I wasn't informed into all of that, and I couldn't just tell you all about, you know, what they was trying to accomplish because I wasn't informed or nothing, because I wasn't around to be there. I was ill for maybe two or three years during the time. And I couldn't—all I suggest was little like I told you that I heard, and listen on TV.

[5814] Q So you don't know what the objective of the black people was in putting the boycott on the white merchants, is that right?

A Not to tell the exact truth, I don't.

Q You are going to tell me the exact truth, aren't you?

A I'm going to tell you the exact truth, but I . . .

Q Well, did you join with your fellow black citizens in Claiborne County and boycott any of the white stores?

A I did not. No, sir.

Q You continued to trade with the white merchants?

A Well, I traded sometimes when I got up to where I could get around. Everybody was going in the stores again, and I still went. I went in stores just like I did before because when the doctor turned me loose for work, and I needed something I went back and got it.

Q When did he turn you loose?

A I don't know the exact date—in, I believe it was in 1968.

Q 1968?

A Yes.

Q And you went on back and went in the white stores?

A Well, I went in and get what I want to get at the time. Everybody was going in the stores, and I went in them too.

Q Do you remember about April 4, 1968 when Martin [5815] Luther King was assassinated in Memphis, Tennessee?

A Yes.

Q The situation got pretty tense at that time, did it not?

A Yeah.

Q Did the NAACP put the boycott back on, or intensify the boycott on the white merchants after Martin Luther King was killed?

A I can't recall.

Q You don't know?

A (No response)

Q Did you ever engage in any march in Port Gibson or Pattison?

A Never did.

Q Did you ever see them march?

A Never did.

Q Were you in sympathy with your fellow black citizens in putting the boycott on the white merchants?

A I didn't insist in any of it.

Q Well, I didn't say insist, I—

A I didn't understand. I beg your pardon.

Q Did you agree with it? Did you agree with the black people?

A Yeah, I went along with them because I wasn't in there. I wasn't there at the time.

Q You went along with your fellow black citizens in putting the boycott on the white merchants in Claiborne County?

[5816] A I wasn't with them when they put it on, but after they say it was on I went along with them because I didn't want to get hurt, nor my stuff to get tore up.

Q Why did you think if you didn't go along with them that you would get hurt, and all of your stuff would be torn up?

A Well, you hear all them kind of rumors, well, I mean, like that, you hear those kind of rumors. I don't know whether it would happen or not.

Q What kind of rumors did you hear?

A They would beat you up, or whatnot, like that.

Q Who would beat you up?

A Anybody. I didn't know who. I was at home. I didn't know.

Q Black people would beat you up?

A I didn't know whether it would be black or white. I didn't know.

Q Didn't you make an effort to find out who would beat you up if you traded with the white merchants?

A Say would I find it out?

Q Did you make an effort to find out who would beat you up if you traded with the white merchants?

A Well, no, I didn't make no effort because I never did try.

Q So you were afraid that you would be harmed, and your property destroyed if you did? Is that right?

A Yes.

Q Now who told you that you would be harmed, and [5817] your property destroyed if you traded with the white merchants?

A Well, you would hear them sitting around bench talking.

Q Now where was this bench located that you—about which you heard this talk?

A Well, most everywhere I went after I got up.

Q Now who was doing the talking? Black people?

A Yeah, mostly, and some white, too.

Q Some white told you they would beat you up if you traded with white people?

A Right.

Q I want you to name the white people that told you that?

A Well, some folk lived at home, talking about they would do it, he didn't say what would happen. He say if we go in these stores they going to whup you all, like that. Well, see I didn't [sic] what was going to happen noways because I wasn't even out there.

Q Who were these white people that told you that? Give me the names?

A Charlie Jordan.

Q Charlie Jordan? What is his address?

A And Mrs. Housley. She mentioned the same thing.

Q Wait a minute now. What is his address? What is Charlie Jordan's address?

A Pattison.

Q Just Pattison?

[5818] A Yeah.

Q Does he live right in the city limits of Pattison?

A Yes.

Q All right. Now what is the name of another white person that told you—

A Well, Mrs. Housley. I imagine she was just teasing about it.

Q Who's that?

A Mrs. Housley.

Q Mrs. Howell? Mrs. Housley?

A Yeah.

Q You imagine she was just teasing you?

A I reckon she was. I don't know. I don't take no chance on it.

Q You thought she was just teasing you, but you didn't take any chance?

A No, I didn't.

Q All right. Any other white people told you if you went in there and traded with the white merchants that they would beat you up?

A I don't know.

Q You don't remember any other names?

A No.

Q I want you to tell me the names of every black person that told you that you would be beaten up if you traded with the white merchants of Claiborne County?

A Oh, Eli Sayles.

[5819] Q Eli Sayles?

A Yes.

Q Where does Eli Sayles live?

A He lives in Pattison.

Q All right. Who else?

A Alonzo McCline.

Q Alonzo McCline? M-c-C-l-i-n-e?

A Right.

Q All right. Who else?

A Well, Arthur Camphor.

Q Arthur who?

A Camphor.

Q How do you spell it?

A I don't know how you spell that Camphor.

Q Arthur Campbell?

A Camphor.

Q Arthur Camphor? C-a-m-p-h-o-r?

A Might be, I don't know.

Q All right. Tell me any other names of black people that you can think of who told you that if you traded with the white merchants of Claiborne County that you would be beaten up?

A Those were the ones that came out when I was sick, and was telling me about what was going on.

* * * *

[Witness Mrs. E. J. Jennings]

[CROSS-EXAMINATION]

* * * *

[6006] Q Now when the boycott was put on did you participate in any of the marches?

A Never.

Q Have you ever been in any of the marches?

A No, no.

Q Have you ever seen the marches in downtown Port Gibson?

A No, I haven't.

Q Were you aware that pickets were on the streets in Port Gibson?

A I didn't see any.

Q Did you know there were pickets downtown?

A No, I heard that they had some, but I didn't see them.

Q Who was supposed to have had the pickets?

A I didn't see them, but I heard that some young men were, but I didn't see them so I couldn't tell you who they were.

Q Was it your understanding that these pickets were there in relationship to the boycott?

A That's right.

Q And it was your understanding that the purpose [6007] of the pickets was to call to the attention of everyone that a boycott was in effect, wasn't it?

A Right.

Q But you never did see any of them?

A No.

Q Were you aware of the existence of a group of men, young, middle aged, and perhaps a little older, who were in downtown Port Gibson to enforce the boycott?

A No, not special.

Q Did you ever hear of an organization called The Deacons?

A No.

Q Or the Black Hat Group?

A No.

Q Did you understand there were any store watches in downtown Port Gibson while this boycott was going on?

A Not specially if that was different from the pickets. I didn't hear about it.

Q All you heard about was there was picketing going on downtown?

A Some of them were walking.

Q Did you know who any of the picketers were?

A No, I didn't.

Q Where did you trade during the time you were observing the boycott?

A Drexel White's, mostly. That is right at my home.

Q Drexel White's?

[6008] A Right.

Q Is Drexel White's there in Hermanville? Or is it a country store out between Hermanville and Port Gibson?

A Between.

Q Between Hermanville and Port Gibson?

A Right.

Q You live right on that highway?

A That is right. I live right at the store.

Q Before the boycott, had you traded with the white merchants in Port Gibson and Hermanville?

A Not too much because I use [sic] to run a store myself, and then after I stopped my sister-in-law started, and most of the stuff I needed was right at my—

Q Was the White store your sister-in-law's store?

A Right.

Q Did they have dry goods as well as groceries?

A That's right.

Q And it was the store you had run before, and you gave it up?

A That's right.

Q What's the name of the white store in Hermanville?

A It is called White's Grocery.

Q No, in Hermanville I am talking about. The white merchant there?

A Uh umm.

Q Would it refresh your memory if I asked you if it was Mr. Coen's?

A Mr. Coen's is one.

[6009] Q That's about the only one left down there, isn't it?

A That's the only one because Williams was on the top of the hill, and they have gone out of business.

Q Had you ever been a customer of Mr. Coen's before the boycott?

A No, not unless I was just in Hermanville, and bought something.

Q Is your home closer to Port Gibson than Hermanville?

A Half way.

Q Did you trade more in Port Gibson than you did in Hermanville?

A Right.

Q When you got into the boycott, and you didn't trade in the white stores there in Port Gibson, did you learn of the organization of a new store called Our Mart?

A I did.

Q Did you become a stockholder in Our Mart?

A Did not.

Q Do you now own any stock of Our Mart?

A I do not.

Q Do you trade there?

A Very seldom. But I would if they had anything I wanted.

Q Well, between the time that the boycott went on in 1971, when you understood it was off, did you trade with any white merchants in downtown Port Gibson?

[6010] A You are talking about after we went back buying?

Q No, I am talking about before. I am talking about when the boycott was put on which you testified to be April 1, 1966, until the year 1971, when you said you understood it was lifted. Did you trade with any white merchants in Port Gibson?

A Not until I thought it was off. No, I bought something from the Sherman Furniture Company.

Q From who?

A Sherman Furniture Company beforehand, but after the boycott was put on I mailed their money to them.

Q You wouldn't even go in to pay them?

A No, I didn't go in because I didn't want no trouble.

Q What kind of trouble were you trying to avoid?

A Well, if they ask you to stay you had better stay out.

Q Why had you better stay out? What would happen to you?

A I don't know, because I hadn't been in one before.

Q Well, you had some fear of some sort or you would have gone on in?

A I've heard about boycotts before.

Q What had you heard?

A Well, I hear that sometime they may take it away from you, or do something to you.

Q Take what away from you?

[6011] A Whatever you've got. Whatever you buy.

Q Was that the reason you were afraid to go in the white stores in Port Gibson?

A I didn't want no risk.

Q You felt it would be a risk that you would take if you would go in?

A Might have.

Q How did you arrive at that decision?

A I've heard of boycotts in other cities and things before.

Q What other cities had you heard about?

A Detroit, and different places. You hear.

Q Had you heard about the one in Natchez and Fayette?

A I don't specially remember what I hears about them.

Q Did you have a general fear that if you went into a store some harm of some sort might come to you?

A Might come.

Q Did you have a general understanding that those who didn't violate the boycott did have some things happen to them there in Claiborne County if you didn't?

A Not in particular.

Q Did you hear of any instance where people traded in white stores in violation of the boycott had some unusual thing happen to them?

A I don't think so.

Q Do you know Laura Cullens?

[6012] A I know her.

Q She lives out in the general area where you do, doesn't she?

A Just out of town.

Q On sort of the same highway. Were you not aware that Laura Cullens house was shot into because she wouldn't observe the boycott?

A I might have heard it, but I don't just recall it.

Q Did you hear that she had a number of threatening telephone calls made to her because she wasn't observing the boycott?

A No, I didn't.

Q Did you hear that her son's automobile had the windshield knocked out, and the windows knocked out because he and she were both refusing to observe the boycott?

A I don't recall whether I heard special about them or not.

Q Did you hear about anyone getting any harm brought to them because they didn't observe the boycott?

A Not in particular.

Q Did you hear of anybody in general?

A I don't recall. I just didn't take part too much.

Q You knew the boycott had been put on by the NAACP and the black leadership in Claiborne County didn't you?

A Right.

Q And you knew generally what a boycott was all [6013] about, as I understand your testimony? Am I correct in that?

A Yes.

Q And your information was such that you were afraid that if you didn't observe it something might happen to you, wasn't it?

A Right.

Q Because of that you would not violate the boycott? Is this what you are telling me?

A That's right. I didn't intend to.

Q What did you think would be accomplished by the boycott being kept on?

A I don't know, but some things were accomplished.

Q What things were accomplished?

A Some of the grievances that were on those papers there were accomplished. Some of the streets, and some Negroes were put on—were elected to certain positions that were on there.

Q The election of people to certain positions would be a matter of the voters to accomplish, wouldn't it?

A Yes.

Q Now the white merchants would just simply be voters, wouldn't they? Were you trying to force the white merchants to vote to put black people in these positions by putting the boycott on the white merchants?

A I don't know whether that was the purpose or not.

Q Well, what else was accomplished of these grievances by virtue of the boycott?

A Well, since you said that it was the voting [6014] that was the cause of that then maybe the boycott didn't do that, but I know some of those things have been accomplished.

Q What else has been accomplished?

A They have done certain jobs to the streets, and more people are hired to positions.

Q What type positions?

A In the stores.

Q What stores?

A And on the county board. And on

Q Wait a moment—

A I meant to say the Board of Education.

Q The Board of Education would be controlled by either the voters or the county officials, wouldn't it?

A It would, I guess.

Q Do you know?

A It would be by the county folks.

Q And that is not what the merchants have anything to do with other than be a friend of anybody else around town would have, do they?

A I thought you were asking me if I had seen any of those things on there that had been accomplished since—

Q I was.

A —and I was telling you that I have.

Q All right. I am asking you what the boycott had to do with that?

A It might not have had anything to do with it.

Q I understood you to say that you told us the boycott had accomplished these satisfactory issues?

[6015] A Well, since you said that didn't apply to the boycott then the boycott didn't do it.

Q I am not saying that. I am asking you. I am asking you what you think the boycott accomplished in the

way of satisfaction of these grievances, any one or more of them?

A You are asking me what I thought, and I was telling you what I thought, but if I didn't understand the certain things, then that was my mistake for not understanding it.

Q What you did really was to put a boycott on the white merchants to put a force against them to put them out of business if they didn't go to the town and county officials and get these various things you wanted done. Isn't that true?

A That is why I guess it was put on but not that I put it on.

Q Well, it was your organization that put it on, and you observed it?

A I observed it.

• • • •

[6023] Q That was another fear that you would have of violating the boycott, wasn't it? That your name might be read out in an open meeting of the NAACP? You didn't want that to happen, did you?

A I know it wouldn't if I had been doing something I would have been embarrassed.

Q That's right, you would have been embarrassed about it, wouldn't you?

A Right.

Q And you wouldn't have wanted it to happen because the fellow members of your race would probably not have anything to do with you socially after that, would they?

A I don't know about that.

Q Well, wasn't that one of the purposes of the names being read out?

[6024] A Might have been.

Q Would you have fear that that might have been a consequence of it?

A I don't know that I thought about it like that. But I am sure if they started reading names off somebody

would say something, but I haven't been there when they read nobody's name off.

Q I believe you said it would have embarrassed you if your name would have been read off?

A Sure it would.

• • • •

[6026] Q Now with reference to what you knew about boycotts, and things that could happen to people, did you ever get any information that either Phil Gilmore or James Gilmore [6027] had had their home shot into?

A No.

Q Did you hear anything with reference to Johnnie Cox and his wife being threatened about the boycott being violated by them?

A I don't recall. Were they somebody in Port Gibson?

Q No, Hermanville.

A I don't know them.

Q You didn't know anything about it? You didn't hear anything about it?

A I don't recall it. I might have.

Q Did you hear anything about them having to enlist the aid of Chief of Police Rodney Porter to pay a bill in a white cleaning special shop there in Port Gibson?

A No, I didn't.

Q Do you know Emerson Davis in Port Gibson? The commercial fisherman there?

A No, I don't know him.

Q Did you ever get any information about Emerson Davis being threatened and having his car windshield knocked out, or being beaten by some people on the street because he violated the boycott?

A I don't recall.

Q I believe you said you didn't hear anthing about Laura Cullens or Merle Cullens, her son, having any incidents of violence toward them? Is that correct?

A That's right.

[6028] Q You just didn't hear anything about it?

A I don't remember hearing them say any were broken up.

Q Do you know Willie Myles that lives over in Hermanville?

A I know a Willie Lee Myers. It might be the same person.

Q He works up at LeTourneau?

A The Willie Lee Myers I know, I don't know of him working up there, but it could be the same person.

Q Did you hear anything about threats that were directed to him, or merchandise taken away from him and broken, that he obtained while he was violating the boycott?

A No, I didn't.

Q Did you ever know of a Preacher White, who I understand is now dead, who was a brick mason and cement finisher in Port Gibson?

A I know of him.

Q You heard of the incident where Preacher White was whipped in an alley, didn't you, because he violated the boycott?

A I heard that.

Q About when was that during the course of the boycott? Was that the early part of the boycott, or later on, or do you remember?

A I don't remember.

Q But it was your understanding that he was beaten because he did not observe the boycott, wasn't it?

[6029] A Yes.

Q Did you hear of the incident or get any information with regard to the occasion when Sheriff Dan McCay's milk truck was stopped when they tried to deliver milk to the school?

A I heard about that.

Q You heard about that, didn't you?

A That's right.

Q And this was a matter of a white merchant trying to sell milk to the school, black school, wasn't it?

A That is right.

Q Did you know Mr. Marvin Hynum, his white boy that drove the truck that was stopped?

A I know it was a white fellow driving.

Q Do you know Johnny Shorter, his porter, who actually delivered the milk and handled the mechanics of taking the milk out of the truck and putting it in the school?

A That's right.

Q You understood that he was one of those involved in the truck that got stopped?

A Right.

Q Do you know Will Shaifer that runs the pool hall there in Port Gibson, don't you?

A Yes, sir.

Q You understood that he was placed under the boycott too because he received some merchandise from Piggly-Wiggly, didn't he?

A I don't remember that.

[6030] Q Do you know Joe Heath and his wife?

A No, I don't.

Q Did you hear anything about them being threatened because they were violating the boycott?

A I don't recall anything about a Heath.

Q Do you know Jasper Coleman, the carpenter man in town?

A I know him.

Q Did you hear anything about him getting any threats or violence directed toward him because he was violating the boycott?

A No.

Q Do you know Alfred Sheppard?

A No, I don't.

Q Did you hear anything in connection with Alfred Sheppard being threatened or violence directed toward him because he violated the boycott?

A No.

Q Did you know Tommy Rice during his lifetime there in Port Gibson?

A I did.

Q Did you get information that Tommy Rice's home had been smeared with black paint because he violated the boycott?

A No, because I thought he was dead at that time.

Q I am talking about before his death?

A No.

Q Do you know Susie Gibson?

[6031] A I know one Susie.

Q I am talking about a black woman named Susie Gibson?

A Yes.

Q Did you get any information that Charles Evers stopped her after she left the store, and threatened her because she had been going into a white store during the boycott?

A I didn't hear it.

Q Did you know Rudy Shields, who was active in the boycott there in Port Gibson?

A I remember him.

Q What do you remember about Rudy Shields?

A I knew he used to help with the devotion and the singing, etc.

Q Helping with the devotion and the singing.

A That's right.

Q Rudy Shields?

A That's right.

* * * *

[Witness Sara Currie]

[CROSS-EXAMINATION]

* * * *

[6190] Q Have you any information or knowledge of an organization called The Deacons?

A No.

Q Were there enforcers of the boycott on the streets of downtown Port Gibson?

A What do you mean by enforcement?

Q People who were standing around seeing to it that the black people did not trade in the white stores?

A No, I didn't see that.

Q Did you ever see a bunch of young men, or one or more young men standing around on the streets of Port Gibson after the boycott, and wearing black hats?

A Not special.

Q Have you ever heard of The Black Hat group?

A They said it was a group. I didn't know.

Q Who said it?

A Oh, different people.

Q What was your impression or understanding as to the purpose of this group?

[6191] A I don't know. They were just wearing black hats. Some of them. I didn't see many wear black hats. They just wearing them, all I know.

Q But you did see some on the streets in downtown Port Gibson wearing black hats, didn't you?

A Seen them on the streets, and other places, too.

Q You don't know what their purpose was? Is that right?

A No, I don't.

Q Well, did you have any understanding from people with whom you talked associated with the boycott, or at the meetings, the NAACP meetings, as to what would happen to you if you violated the boycott?

A No.

Q You were not informed that some harm might come to you or your property might be damaged if you went into the white stores to trade?

A No.

Q That was not understood in the black community while—

A I don't know about the black community. I am talking about me. It wasn't understood by me.

Q I am talking about you and the black community. You lived in the black community, didn't you?

A That's right.

Q What I am asking you now is what understanding, if any, did you have with reference to what might happen if you did violate the boycott?

[6192] A What reference?

Q What did you understand what might happen to you if you violated the boycott?

A Well, I wasn't going to violate the boycott.

Q That wasn't what I asked you. I ask you what you understood what might happen to you if you violated the boycott?

A Nothing.

Q There would be nothing for you to worry about if you went in and traded in the white stores? Is that what you are saying?

A That's right.

• • • •

[6216] Q You do have a recollection of hearing some information being spread through the community that people were being punished for violating the boycott?

A Oh, that had been said.

Q Who was supposed to have been punished that you heard about?

A Who was supposed to be punished?

Q Yes.

A The ones that violated the boycott.

Q Yes.

A I said the ones that violated the boycott.

Q Who were they?

A I don't know.

Q Would you know their names if I suggested them to you?

A I don't know whether I would or not.

Q What about James Gilmore?

A James Gilmore . . . I don't know James Gilmore.

Q Laura Cullens?

A I know her, but I don't know nothing about that.

Q Johnnie Cox?
A I don't know him.
Q Preacher White?
A I don't know him.
Q Will Shaifer?
A I know him.
Q Did you hear anything about Will being put on the boycott?
[6217] A No.
Q Nobody told you, not even your husband, that Will Shaifer had been boycotted, too?
A No.
Q Do you know Emerson Davis? A commercial fisherman named—
A I know him.
Q Do you know anything about Emerson getting beat up by a group of black people because he violated the boycott?
A I heard he did.
Q Where did you hear that?
A I don't remember where I heard it. Somebody was saying it.
Q And you heard of others that were punished in one way or another because they were buying from the white merchants while the boycott was on, didn't you?
A I heard of Emerson.
Q I'm talking about other than Emerson.
A I said I've heard of other being punished?
Q Yes, because they violated the boycott?
A I know . . . I don't remember about all of them.
Q I'm not asking you about all of them. I am asking if you haven't heard of others besides Emerson Davis who was punished?
A I may have heard of one or two.
Q In fact, it was generally known in the community that you could expect some punishment if you don't observe the boycott, wasn't it?
[6218] A I guess so.

BY MR. SHELL:

We have no further questions.

BY THE COURT:

All right. Gentlemen?

BY MR. SANDERS:

No questions.

BY MR. CARTER:

I have a couple of questions, if the Court, please.

DIRECT EXAMINATION

BY MR. CARTER:

Q Mrs. Currie, do you know the sources of those rumors about people being beaten?

A No, I don't.

Q You don't know whether the source was white or black, do you?

A No, I don't know whether it was white or black.

BY MR. CARTER:

That is all, Your Honor.

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[Witness Charles Davis]

[CROSS-EXAMINATION]

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[6237] Q Let me see if I understand now. You were going along with your leaders in boycotting the white merchants, and now you tell me that you never did pay any attention to the boycott.

A From buying?

Q Yes.

A Well, I told you I bought two cars during the boycott.

Q You've told me that four times. Let's talk about other types of buying from white merchants.

A Talk about which?

Q Talk about buying from other white merchants after the boycott started?

A I didn't have to buy nothing. I didn't need nothing.

Q Did anybody ever talk to you and tell you to quit trading with Mr. Allen?

A No, sir, nobody never told me that.

Q Were you ever threatened?

A Well, I got my glasses shot out of my car, and [6238] a brick throwed up in it. Car set afire.

Q When did that happen?

A That was during the time that the boycott was.

Q Do you know why they did it?

A They said it was boycotted when I went on and bought the car.

Q So somebody—what did they shoot the glass out of your car with?

A Rifle, or something.

Q Was it a 22 or a larger caliber?

A What say?

Q Was it a 22, or larger?

A It was larger.

Q You know something about firearms. You're a security guard I believe, aren't you?

A Yes.

Q Do you know who did it?

A I don't know who did it. I was in the house when it happened.

Q Did you receive any threatening calls or word before the windshield was shot out of your car?

A No.

Q How do you know that is why they did it?

A I just couldn't understand why that they did it. But the boycott was on, and I went on and bought the car, because I need them. I wasn't able to walk at the time too much, and I had to have something to get around in.

Q What year was it that your windshield was shot [6239] out?

A That was in 1968 or 1969. Somewhere along in there.

Q What model car was it?

A A 98 Oldsmobile.

Q What year model?

A 1967.

Q Was it shortly after you bought it that the windshield was shot out?

A Yes, sir.

Q I believe you said a rock was thrown or a brick was thrown through the windshield?

A Yes, sir.

Q Was that on the car or your house?

A The car.

Q Was that at the same time, or different time?

A A different time that they did that.

Q Which one of them occurred first?

A Which one they did first?

Q Shooting it out, or throwing a brick through it?

A A brick was thrown up in it the first time. The next time it was sitting in front of the police station and was set afire, and the next time it was in my yard, and they shot the back glass out of it.

Q What was the length of time between these three incidents that it happened?

A It was a couple of months apart it looked like to me.

[6240] Q A brick was thrown threw [sic] first, then it was set afire, and then the windshield shot out?

A Yeah, yeah.

Q And it was sitting in front of the police station when the brick was thrown?

A When they set it afire.

Q Do you have any idea who set the car afire?

A No, sir.

Q Do you know why they set it afire?

A I don't know why. I guess—

Q Your friends around there told you that they knew why, didn't they?

A Nobody never said nothing about it. It was just set afire. I wasn't in town when it was set afire.

Q What was it doing parked in front of the police station?

A Well, I left to go out of town, and went to Vicksburg to see a sick friend of mine, and left it there in front of the bus station—I mean police station.

Q Were you in town when the rock was thrown through the windshield?

A I was.

Q Where was it parked, and where were you?

A It was parked on the corner there by Danny Lee's Cafe.

Q Where were you?

A I must have been inside somewhere.

Q Was it day or night?

[6241] A It was at night.

Q About what time?

A I couldn't tell exactly what time it was.

Q What time did you discover it?

A After I came out.

Q Well, what time of night was it?

A Oh, it was around about nine or ten o'clock.

Q Where were you—you said it was parked at your house, I believe you said, when they shot at it?

A When they shot at it?

Q Were you inside asleep?

A Inside the house. Me and my wife were sitting there watching TV.

Q Did you hear the shots?

A I heard the shots, but I thought it was a firecracker, and I didn't pay any attention to it. My wife and children were over in the yard playing, and she said that wasn't nothing but a firecracker, and I didn't pay no more attention to it. Then that morning, I came out that morning, and the glass was shot out.

Q Did you find the bullet?

A I found a little piece of lead.

Q And you think it was a high-powered rifle?

A Well, I carried it to the police, and he said it was a rifle.

Q Do you know what caliber?

A He didn't say, and I couldn't tell exactly what it was.

[6242] Q Did you report the brick being thrown through your windshield to the sheriff or to the police?

A I reported it to the police.

Q Who did you report it to?

A Mr. Porter.

Q Chief Porter?

A Chief Porter.

Q What about your car being set afire?

A Well, it was setting in front of the police station when it was set afire.

Q Well, did you determine whether it was deliberately set, or just caught on fire by itself?

A It was set afire.

Q Where did the fire start?

A It started—somebody throwed some gasoline or diesel oil on the wheel, and set it afire.

Q Did it damage it much?

A It damaged the wheel, but the deputy sheriff saw it and he ran up there and put it out before it got to the motor, but it just ruined the tire, burnt the tire.

Q What was that deputy sheriff's name that put the fire out?

A What's that?

Q What was his name, that put the fire out?

A Frank Davis.

Q Is he black or white?

A He is colored.

Q I didn't ask you about Frank. Is he related to you?

[6243] A No, sir.

Q How long has he been a deputy sheriff?

A Oh, I just can't recall how long he has been a deputy sheriff.

Q Was he a deputy when the boycott started?

A I can't recall.

Q Is he still a deputy sheriff down there? You have to speak up. She has to take it down.

A Yes.

Q Did you ever hear anything about the Black Hats or the Deacons down there?

A No, sir.

Q You don't know anything about them? You've never heard talk about them?

A No, sir.

Q Did you hear some talk about what would happen to people if they violated the boycott?

A No.

Q You never did hear any talk in the community about young colored people going to enforce the boycott?

A No, sir.

Q Were you a member of the Deacons or Black Hats?

A What say?

Q Were you ever a member of the Deacons or Black Hats?

A No, sir, I don't remember.

Q You don't remember.

A No, sir.

[6244] Q You'd know it if you were a member wouldn't you? Wouldn't you know it if you were a member of the Deacons?

A If I was a member?

Q Yes.

A You say if I was a member I would know it?

Q Well, I am asking you were you ever a member of the Deacons or Black Hats?

A Oh, no, no, sir, I wasn't no member of nothing, but I joined the NAACP, and I had been there one year, and I never joined no more as I wasn't able.

Q Do you know Elmo Scott, Jr.?

A Yes, sir.

Q How well do you know Elmo?

A Sir?

Q How well do you know Elmo?

A I've been knowing him for a few years.

Q And if he testified that you were a member of the Deacons he is not telling the truth is he?

A He wouldn't be telling the truth as I have never been a member.

Q You don't even know what the Deacons are, is that what you are saying?

A No, sir, I don't.

Q Were you in agreement with the leaders of the black community to boycott all the white merchants?

A Well, yes.

* * * *

[DIRECT EXAMINATION]

* * * *

[6276] Q Do you have an opinion as to whether or not it was likely that the damage done to your car was done by persons in a white community of the white race, or persons of the black community of the black race?

BY MR. SHELL:

We object to this. We object to that question, if the Court, please. He asked an opinion of whether or not it is likely, and my goodness—

BY THE COURT:

I am going to sustain the objection.

BY MR. SANDERS: (Continuing)

Q I will restate the question. Do you have an opinion as to whether it was black people or white people who did the damage to your car?

BY MR. SHELL:

We object to that, if the Court, please.

BY THE COURT:

I am going to sustain the objection. If you can give any concrete reasons here that this man could form an opinion on, I will listen to it, but just to

ask him if he has an opinion who did it, why I don't think it is correct.

BY MR. SANDERS: (Continuing)

Q Have you, subsequent to the damage to your car, inquired in and about the community?

[6277] A I don't know who did it. I just haven't got the least idea who set it afire.

Q You have no idea whatsoever?

A No idea whatever.

Q Were you satisfied with the investigation conducted by the law enforcement officers in Port Gibson surrounding the evidence of damage done to your car?

A Well, I went to the law and he said he didn't know who did it, and I didn't know who did it, and there wasn't nothing he could do about it. For me to find out, if I could speak around and find out who did it, and then probably we could do something about it, but I didn't have the least idea who set it afire.

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[RECROSS EXAMINATION]

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[6279] Q Were you in favor of the methods that the members of your race used to try to get these demands met?

A Say which?

Q Were you in favor of the methods that the members of your race, and the NAACP used to get these demands met?

A Well, yes, sir, I'm in favor of it. I wanted to see it happen, you know. We have our equal rights to go anywhere you want to be going, and if you were capable of being in a job and you were capable of it you've got it.

• • • •

[CROSS-EXAMINATION]

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[7153] Q Did you ever see any young men on the streets standing around near the white stores and wearing black clothing or black hats in 1966?

A Not notice them, no.

Q You have never seen any of them around there?

A It's possible; I don't know. I don't remember seeing them.

Q Did you know a young black by the name of James Bailey?

A Yes.

Q Did you hear about his having torn up a flower bed of a black woman by the name of Mrs. Butler because she had ordered and had groceries delivered to her house by a white merchant?

A No.

Q You didn't know about that?

A I didn't know about that.

Q You did hear that there were a number of acts of violence against black people because they were not observing the boycott, didn't you?

A Yes.

Q It was pretty generally talked about in the community, was it not?

A I don't know how general. I heard of a couple, though.

Q Can you tell us where it was that you heard it talked?

A No, I can't do that.

[7154] Q Can you tell us who was present?

A No.

Q Was it in the barbershop of Alexander Collins?

A Well, I wasn't in Alexander's barbershop, so it couldn't have been there.

Q Would you tell us in your best judgment where it was?

A I just don't know.

Q There was a good deal of fear on the part of some blacks because of fear of what some of the other blacks would do to them for violating the boycott, was there not?

A I don't know that.

Q You never heard of that?

A No.

Q If you hadn't heard about the activities of this group of young men known as the Black Deacons, why did you testify a few moments ago that you thought they should be denounced?

A You misunderstood me. I didn't say I hadn't heard about them. There were several incidents that I heard about, the shooting in Gilmore's house and one or two others.

Q What other two did you hear about?

A I can't remember now just what the outcome of it was, but it was a couple.

* * * *

[Witness Bernice Lee]

[CROSS-EXAMINATION]

* * * *

[7254] Q How did you get out from under the boycott?

A My husband went to the meeting that Tuesday night.

Q Did you go also?

A Yes, I did.

[7255] Q Who presided at that meeting?

A At that meeting at that time Reverend Walls.

Q Is that Reverend Eddie Walls?

A That's right. He presided. And my husband was the speaker that evening.

Q Your husband was the speaker?

A That's right.

Q What year was this?

A I think it was '68. I'm not so sure.

Q The boycott had been on a good while before you were caught in the trap of the boycott.

A Yes.

Q Wednesday morning on until the next Tuesday night you just had practically no business.

A That's true.

Q The store watchers were out there watching your building, weren't they?

A I saw some children at times but I didn't pay too much attention to them. But my doors were open because we did have salesmen coming in and did have a few people.

Q But the children you saw you knew were there to watch your store.

A I took for granted they were.

Q Why did you do that?

A Why did I take for granted? Because all the other times they had been coming in. They just stood on the outside.

Q And looked?

A That's right.

Q Were they there from the time you opened until [7256] the time you closed?

A Sometimes.

* * * *

[7297] Q What did you anticipate would happen to you if you didn't agree to quit buying eggs from Bobby Vaughn?

A I just didn't know. But whatever it was, I just didn't want it to happen.

Q You did know that there would be a boycott on you because that had already happened, hadn't it?

A That's true, it was already on me but if I continued to buy eggs I was afraid of what might happen.

[7298] Q What were you afraid might happen?

A I do have cars and I do have a house and I do have a life. I didn't want anything to happen to any of those.

Q You were afraid of something physical happening to you?

A I was; I sure was.

Q What gave you cause to have that fear?

A Because I had heard of some others.

Q You had heard of some others who had been similarly mistreated?

A Yes.

Q Did you understand that mistreatment came because of their violating the boycott?

A That's what one who had it done to them said but I don't know.

Q Who told you about this, Mrs. Lee?

A Different ones.

Q What persons were subjected to physical violence?

A No one ever told me directly themselves. I didn't know anyone that they did it to.

Q Who did you understand had had it done to them?

A I just didn't know but I wasn't taking any chances.

* * * *

[DIRECT EXAMINATION]

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[7310] Is it customary for people to linger around your store in Port Gibson?

A Sure.

Q Did they linger there before the boycott?

A Yes.

Q Did they linger there after the boycott?

A Yes.

Q Is that always true of adults as well as children?

A Sure. More so of adults than children.

Q At the time you said there were people outside your store requesting others not to buy from you, do you know if there was ever any force used prohibiting them from entering [7311] your store?

A No, because a few did come in and they made it out alright.

* * * *

[Witness Nathaniel W. Martin]

[CROSS-EXAMINATION]

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[8512] Q You knew what the purpose of the NAACP was, didn't you?

A Right, I knew the purpose.

Q And you were in favor of their aims and objectives to help the colored race?

A I was.

Q Are you still in favor of their aims and objectives?

A I am to certain extents, so long as it's operating right.

Q How? Explain that.

A What I mean, if it's no, I say, just a lot of—sometimes they go out with different organizations burning houses, you know, just something like that, or doing something or breaking windshields. I'm not in favor of nothing like that.

Q The NAACP was doing that?

A Just some of the local members that would, you know, get the wrong interpretation and they would do such as [8513] that.

Q Well, name the members that went out and burned houses.

A I don't know, but some came up, you know, some houses was burned and they said that's what happened, and they said they was breaking windshields. And I never was in favor of nothing of that sort. I don't know who. I'm unable to know who done that.

Q Who said they were burning houses?

A They never did say.

Q Who was they?

A I mean the rumors that they thought that that's what was happening, some of the bad boys, you understand.

Q You heard some names, didn't you, on the streets?

A I never did hear a single one. I didn't know any of them. At that time I was employed with the Mississippi Employment Security Commission. I was sending the bad boys and girls out for Job Corps, recruiting. That was my job.

Q Well, you heard that Calvin Bailey had been out doing some acts of violence, didn't you?

A I haven't heard that.

Q Did you hear about James Whitney?

A I never have. I didn't have time. I didn't hear of any of them.

Q How about James Bailey? Did you hear anything about him?

A I don't know James Bailey.

Q Well, who did you hear were breaking windshields [8514] in cars?

A I didn't know personal names. I just heard, you know, sometimes they would call over the telephone and say, "I'm going to get you tonight." Never would give no name or nothing.

Q Who would do that?

A Sometimes a telephone would ring and say, "I will come get you tonight" or something like that, just some kind of a talk.

Q Were they calling you on your phone?

A They would call, call a lot, that's right.

Q They were threatening you. Is that what you're telling us?

A That's right.

Q Why were they threatening you?

A Because I wasn't participating with them.

Q You weren't participating with what?

A In the group.

Q What was the group doing?

A If you would go in the wrong stores they call the boycotted stores and, if they caught you in there, they would threaten you some type of way.

Q Are you telling us that you did not observe the boycott?

A Beg your pardon?

Q Are you telling us that you didn't participate in the boycott?

A No, I didn't.

Q Well, what white merchants were you trading with [8515] before the boycott started?

A I had a grocery store and I traded with all of them, a grocery store and service station. I bought from all of them, just whatever I needed.

Q You don't mean you operated a grocery store.

A I did at that time.

Q What was the name of that business?

A Martin's Grocery.

Q Where was it located?

A Behind Jitney Jungle on Rodney Road.

Q Combination grocery store and filling station?

A Right.

Q When did you commence operation of that business?

A Two years ago.

Q In 1971?

A Right.

Q Are you in that business now?

A I'm not.

Q Did you go out of business?

A I did.

Q Why did you go out of business?

A A lot of creditors ran me out and closed out about $7,000 in debt.

Q You gave too much credit?

A Right.

Q Did the black people down there boycott your place of business?

A At one time, they did.

Q When was that?

[8516] A They was talking about it, but they never did just boycott it.

Q They were talking about it. Who are you talking about?

A Well, I heard a rumor that they would boycott the business if—they just said if I didn't do what they wanted me to do.

Q What did they want you to do?

A I don't know.

Q Well, didn't they tell you?

A They didn't.

Q Did they come to you personally?

A They didn't come to me personally. I just heard rumors talking, you know.

Q Who did you hear it from?

A I'm unable to answer that.

Q Well, how about studying on it a little bit. Certainly you remember something that important, as to who sent you a message or who was behind the boycott to your place.

A Well, they thought that I wasn't in favor of it, and so that's why I was just—something like that.

Q Who is "they" now? Certainly you know that.

A Well, other members of the NAACP.

Q Don't you know their names?

A No, sir.

Q Well, who told you that they were talking about putting the boycott on your store?

A Well, I don't know. I just heard it through [8517] the air, operating the store, just some child in there said, "We're going to get you."

Q Through the air?

A Just when they come in. And I also operate a washateria and that's why. And in the washateria was a double compartment, you know, Negroes and whites.

Q Where was that washateria?

A Right behind Jitney Jungle.

Q Connected with your place of business?

A Connected to the place. I was operating it for C. A. Carter in Port Gibson.

Q He owned it and you were operating it?

A He owned it and I was operating it, cleaning it and operating it and keeping the machines.

Q How long did you run that for Mr. Carter?

A About the same time I had the service station, about three years.

Q Some of your customers would come in and say they were talking about a boycott?

A Some of the customers, that's right.

Q Did they prevent your having separate compartments for blacks and whites?

A They didn't. They didn't exactly.

Q How do you know they didn't?

A I mean they would go in there where they was.

Q What?

A They would go in and wash along with them.

Q Well, I mean the NAACP members who threatened to boycott you, did they resent you having separate facilities [8518] for blacks and whites in the washateria?

A They didn't.

Q You never did get that information?

A I never did get that information.

Q How many of these phone calls did you get saying they were going to get you?

A I got several.

Q Did you recognize any of their voices?

A I couldn't.

Q You could tell whether they were colored or white voices, couldn't you?

A I couldn't tell.

Q Couldn't you tell whether it was a black man or a white man calling you?

A I don't think it would be a white man calling.

Q In your best judgment, it was some member of the colored race calling.

A Right.

Q Where were you when you got these telephone calls?

A Sometimes at the station and sometime at home.

Q Would you be at home or would it be late at night or what time of night was it?

A After I closed.

Q What time did you close?

A 10:00.

Q And you got several threatening phor calls.

A Several threatening calls.

Q Did your wife ever get any threatening phone [8519] calls?

A No, sir.

Q When you'd get these calls about threatening to get you or boycott you, were you afraid?

A I was.

Q Afraid physically, about some physical violence?

A Right.

* * * *

[8541] Q Well, what other reasons were they threatening you?

A Well, I guess they thought I wasn't participating with the meeting. I guess that was it.

[8542] Q What meetings?

A The different meetings that they would have.

Q They were also mad at you because you kept trading with the white merchants, too, weren't they?

A I guess so.

Q Well, isn't that your best judgment?

A I guess so.

Q Was there any black person down there that sole [sic] American Oil products?

A Never. I don't know.

Q So the only place you could get them was from Mr. Russell. Isn't that right?

A Well, I had got his tanks and he was the dealer.

Q What other reasons did these people tell you that they were going to get you?

A I don't know. I guess that was the only reason.

Q You didn't take it as a joke. You thought they were serious, didn't you?

A That's right.

Q Wasn't it generally that most of the black people who didn't observe the boycott down there were afraid something would happen to them?

A Those that did not observe it?

Q Yes.

A I guess so.

Q Sort of a reign of terror down there, wasn't it?

A Right.

Q And you heard of a lot of acts of violence, such [8543] as windshields being broken and tires being punctured.

A I heard. I don't know who participated in it.

Q And you heard about houses being shot into.

A I heard that, but I don't know that to be true.

Q Do you know the Gilmores?

A I know the Gilmores. I've sold them an automobile.

Q They are James and Phil, aren't they?

A I know both of them.

Q What's James' wife's name?

A I'm unable to answer that.

Q You don't know. What about Phil?

A I don't know about that.

Q When did you hear their house was shot into?

A Seemingly, it was when it was done. I don't know when.

Q Do you know who did it?

A I don't.

Q Talking about the grocery store before I leave that, did you ever buy any eggs from Vaughan Milling Company? You know Mr. Bobby Vaughan, don't you?

A I know Mr. Bobby. I worked for him.

Q And he was in the wholesale egg business, wasn't he?

A He was. I didn't buy any eggs from him. I bought them in Vicksburg from Merchants Company.

Q What about Sheriff Dan McCay? Did you ever buy any Borden's milk products from him when he had the distributorship down there?

[8544] A No. I worked some for him.

Q Huh?

A I worked some for him.

Q Did you ever buy any products for your grocery store from him to resell?

A The truck wasn't coming. I bought from the other company from Vicksburg.

Q Wasn't he out of the Borden Milk business in 1969 when you started?

A I didn't buy the Borden products. I just had one brand of milk.

Q But you heard he went out of business because the NAACP was boycotting him.

A I heard that, but I don't know why.

Q And Mr. Hynum took over the Borden distributorship. Do you know Mr. Hynum?

A I know Mr. Hynum.

Q You say you worked for Sheriff McCay. When did you work for him?

A Just a time or two. He got me to bring a fellow that went insane during the boycott, and I brought him over here. He was busy and he asked me to run over here and bring him to Whitfield.

Q Sort of a special deputy.

A Something like that. Just a special occasion.

Q The fellow did go insane as a result of the boycott.

A No. He was an old, feeble man.

Q That just got senile.

[8545] A Right.

Q Is that the only time you've ever done any work for Sheriff McCay?

A That's the only time I have just really done anything.

Q Do you know Johnny Cox?

A I don't.

Q Have you ever heard anything about his house being shot into?

A I never have.

Q You know Emerson Davis, a commercial fisherman down there, don't you?

A I know Emerson Davis.

Q I believe everybody knows him.

A I know him.

Q Didn't you know he had a lot of trouble about not participating in the boycott?

A I don't know.

Q Didn't you hear Rudy Shields and some other blacks beat him up?

A I didn't hear that. I didn't hear of anybody beating him up.

Q What did you hear about Emerson Davis?

A I just heard that he was trading with the white merchants. That was all.

Q Did you hear what they did to him or were threatening to do to him?

A I didn't.

Q You know Laura Cullins, don't you?

[8546] A I know Laura Cullins.

Q You heard about her house being shot into, didn't you?

A I didn't hear it had been shot into.

Q Well, what did you hear about Laura. She didn't observe the boycott either, did she?

A I just heard she didn't observe the boycott.

Q Did you hear about anything that was done to her or her property?

A I didn't.

Q How about her son Murriel?

A I know Murriel. I didn't hear anything about him.

Q You didn't hear about his windshield being broken?
A I sure didn't.
Q How about Presley Praham? Do you know him?
A I don't know Presley.
Q Never heard that name?
A Never heard that name.
Q I think I asked you about Willie Myles' house being burned. Did you hear anything else about Willie Myles?
A I sure didn't.
Q Do you know he lives out at Hermanville?
A I don't know him personally. I've heard of him.
Q Did you hear anything about whether or not Willie Myles observed the boycott?
A I never heard anything about it.
Q Did you hear whether or not Murriel Cullins [8547] observed the boycott?
A I don't.
Q How about Preacher White, an old man? I believe he's dead now. He was a brickmason and carpenter.
A I don't know.
Q Do you know him?
A I know him. I think he died some time ago.
Q And you heard that he got whipped in an alley about buying whiskey from a white man, didn't you?
A I didn't hear that.
Q You didn't hear that?
A I didn't.
Q How old was Preacher when he died?
A Way up in years. I imagine he was about 70 some years old.
Q Do you know Wes Butler?
A I sure do.
Q You've heard that he didn't observe the boycott, didn't you? Didn't you hear that?
A I heard that.
Q Did you hear that he got stopped by some blacks down there when he went in to pay a bill at the Auto-Lec store?
A I didn't hear that.

Q You haven't heard anything about any threats against Wes Butler?

A I didn't. I know he bought a new truck during that time, and that was about all.

Q He bought a new truck?

[8548] A A new truck from the Ford place there.

Q Is that Donald Segrest Ford place?

A Donald Segrest.

Q During the boycott?

A Right.

Q About what year? Do you recall?

A Seems like about '70 or '69 or '70.

Q Did you hear anything about a milk truck belonging to Sheriff McCay being stopped out at Addison High School?

A I didn't. I was out at that time.

Q Do you know Alfred Lee Davis? They call him "Fats", I believe.

A Oh, I know Alfred Lee Davis.

Q Is he heavier than this gentleman here?

A About that size.

BY MR. PYLES:

Let the record show that he is pointing to Dan Shell.

BY MR. SHELL:

No, he isn't either.

Q You never heard anything about the Borden truck being stopped at Addison High School?

A I never heard that.

Q Do you know whether or not Sheriff McCay was boycotted by the NAACP and the black people down there, as far as his private business?

A I don't know that he was.

* * * *

[DIRECT EXAMINATION]

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[8586] Q I see. Now, Mr. Gore asked you about a number of incidents or rumors about shooting into houses, concerning the Gilmores and Willie Myles and a number of names, and you indicated that you had heard of some of them.

A Unh-hunh.

Q Do you know whether or not anyone was ever arrested because of any of these things?

A I sure don't.

Q Now, do you recall having heard any rumors of anyone being arrested for any kind of violence in Port Gibson?

A I don't know who it was.

Q You have heard of it, though.

A I haven't heard of anyone just being put in [8587] jail and serving no time or nothing.

Q And you indicated in response to his question that then there was a reign of terror in Port Gibson. What do you base this reign of terror on?

A Of terror?

Q Right.

A I don't quite understand.

Q He said, "Then there was a reign of terror in Port Gibson at this time", and you said, "Yes." I want you to explain to me what you thought about the situation that would indicate to you that there was a reign of terror in Port Gibson.

A I thought that he was talking about they had put on the boycott and marching or something like that. That's what I thought he was talking about.

Q You consider marching a reign of terror?

A I don't know.

Q You don't know? Do you think picketing is a terroristic act?

A Say do I think it is?

Q Yeah.

A I just wouldn't picket. I don't know. I know I wouldn't.

Q You wouldn't?
A No.
Q Do you think it's an act of terror?
A I believe it is.

* * * *

[Witness Joseph Mack "Buster" Barber]

[CROSS-EXAMINATION]

* * * *

[8658] Q Do you know what the Black Deacons is?
A No.
Q Did you ever see a group of young men dressed in black, black hats and black clothing, around on the streets of Port Gibson during the period when the boycott [8659] was on?
A No.
Q You never heard of the Black Deacons?
A I heard of it.
Q Were they the young men who were designated by the NAACP to enforce the boycott, notify the black people not to trade with the white merchants?
A I don't know.
Q You had heard that, though, had you not?
A No.
Q What did you hear about the Black Deacons? You say you heard about them.
A You say what had I heard?
Q Yes.
A I just heard the Black Hats and that's all.
Q You heard there were some Black Hats?
A That's all.
Q What did you hear was the function or purpose of the Black Hats?
A They never did discuss it.
Q Well, what did you hear about the Black Hats?
A I just heard it was a group of boys called Black Hats and that's all.

Q What were their duties and what were they supposed to do?

A I don't know, because they wasn't talking to me.

Q Who wasn't talking to you?

A The fellows was standing on the street discussing [8660] it.

Q You just overheard it.

A Overheard it. That's all.

Q You didn't ask any questions.

A Didn't ask any questions.

Q Do you recall who it was you overheard on the street?

A No, I don't.

Q Do you recall the date you overheard it?

A No.

Q The year?

A No.

Q Do you recall where it was that you overheard this?

A No, I don't remember just where it was.

Q Was it in the vicinity of the Allen Motor Company?

A No.

Q You do know Rudolph Shields, do you not?

A Who?

Q Rudolph Shields.

A Yes.

Q Where did you get acquainted with Rudolph Shields?

A I never got acquainted with him.

Q Did you ever meet him?

A No.

Q Did you ever talk to him?

A No.

* * * *

[8681] Q But in any event, during that period after the boycott went on, you were fearful for your safety and for your wife's safety and for your property, were you not?

A Well, mostly for my wife.

Q You were fearful about that, were you not?
A Not really myself.
Q But for your wife you were fearful.
A Right.
Q And you didn't want anything to happen to you because it would upset your wife if that would happen, wouldn't it?
A Right.
[8682] Q I'm going to ask you if you recall on a Saturday, April the 9th, 1966, out in front of the Piggly-Wiggly store, Mr. James Hudson's, a black man by the name of Ernest Darden tried to go into that store and you, Calvin Williams and about 50 other black people stopped him and told him there was a boycott going on and he was not to go in the store.
A Read that once more, please.
Q I want to ask you if you do not recall that on Saturday, April the 9th, 1966 that a black man and his family, and that black man's name was Ernest Darden, drove up to the front of the Piggly-Wiggly store of Mr. James Hudson, and that you, Calvin Williams and——
A Wait. You said me?
Q Yeah. Calvin Williams and about 50 other black people came from across the street and stopped him and told him that he could not go into a white store because the boycott was on.
A No.
Q You deny that?
A I didn't do it.
Q Did you see it done?
A I didn't see it done.
Q And you deny that you were in that group that stopped him.
A I wasn't in it. I didn't see it. And the first of my hearing about it.
Q Do you know Ernest Darden?
A Yes.
[8683] Q Do you know Ernest Darden?
A I do.

Q Did you know him on April the 9th, 1966?
A I didn't see him, as I can recall.
Q Do you know Mr. James Hudson when you see him?
A I know him.
Q Have you known him a good long while?
A Sold him a car not too long ago.
Q Does he know you?
A He know me personal.
Q And he knew you on April the 9th, 1966? He knew you back in April of 1966?
A Yes.
Q And you had done business with him and knew him and he recognized you back there?
A He hasn't recognized me, not on no 9th day, or no other day stopping anybody from going in the store.
Q What I'm trying to find out, Mr. Barber, is that you knew him back in April of 1966 and he knew you.
A Right.
Q And you know Sheriff Dan McCay, don't you?
A Right.
Q And you knew Chief Porter, didn't you?
A Right.
Q And they knew you, did they not?
A Right.
Q If Mr. Hudson and Sheriff McCay testified that they were there and saw this incident on April the [8684] 9th, 1966 in front of the Piggly-Wiggly and that you and Calvin Williams, along with 50 other black people, stopped Ernest Darden and his wife from going into the Piggly-Wiggly store, is it your testimony that they didn't testify to the truth?
A I solemnly swear they didn't testify the truth.
Q Did you ever stop anybody from going in any white store?
A Never stopped anybody.
Q Did you ever ask anybody not to go in any white stores?
A Never asked anybody not to go in anybody's store.

Q Did you, in April of 1966, register to vote in Claiborne County?

A I don't recall the day, but somewhere back there I did register.

Q Was that when the Federal Registrars came into the county, or did you register before that?

A I registered before.

Q Do you know where it was that you registered? Did you go to the courthouse and register?

A To the courthouse and registered.

Q Did Mrs. Easley register you?

A Right.

Q You didn't have any difficulty in registering, did you?

A No difficulty.

Q And you have voted since that time.

[8685] A Right.

Q And you had no difficulty.

A No difficulty. May I ask you one more question, please, or can I?

Q Well, you're not supposed to ask me a question. But if the Court will permit it—

BY THE COURT:

Go ahead. Ask your question.

A All right. On what day you say? On the 9th day? And you say who said?

Q If I asked you this question, that on Saturday, April the 9th, 1966, if Mr. James Hudson, Sheriff McCay testified that you, Calvin Williams and about 50 other black people came from across the street to where Ernest Darden was parked, started into the store, and that you stopped him and told him that he couldn't go into the store because there was a boycott on, and that the Sheriff came up and told him that he could go in the store if he wanted to, and he said he wanted to go in there to pay a bill, and that you or someone else said, "The Sheriff

won't be with you all the time", do you deny that that happened?

A It's not true.

Q You don't deny that somebody did stop Ernest Darden.

A I haven't seen anybody, no group that tried to stop anybody from going in Piggly-Wiggly or any other store.

Q Do you deny that you were in that group?

A I was not in the group and the people that you called, I haven't seen anybody trying to stop anybody [8686] from going into Piggly-Wiggly or any other store. And you said Mr. Ronnie Porter was one of them?

Q Chief Porter. Do you know him?

A I know him quite well.

Q And you say all of those people, if they came here and testified under oath that they saw you and recognized you as one of those people, that's not so?

A It's not so. I wish all of them was here right now.

Q Why do you wish that?

A So that they could—I would like for them to look in my face, with a clear conscience, and say that Joseph Barber stopped somebody from going in James Hudson's store.

Q Are you known as "Buster" Barber?

A Right.

Q Joseph "Buster" Barber.

A And I don't believe that they could stand on that floor and look me in the eye and tell me that I stopped someone from trying to go in his store. I just don't believe they could do it.

Q Well, if they got on that stand right where you're sitting now and testified to that under oath, is it your testimony that they were mistaken?

A They were mistaken.

* * * *

[8713] Q Didn't you tell me that you were in fear that if you didn't observe the boycott something might happen to you? Didn't you tell me that this morning?

A I told you that.

Q Well, what were you fearful of?

A Well, I guess I just had to watch as well as pray, because I had a sick wife and I didn't want anybody terminating around the house or doing anything.

Q You never had had that fear before April the 1st, 1966 about somebody terminating around the house, had [8714] you?

A No.

Q You never had had that fear before that, had you?

A No.

Q But you did have it after the boycott started on April the 1st, 1966.

A Not really.

Q I'm trying to understand what your testimony is, Mr. Barber. Either you did have it or you didn't have it. Did you have that fear after April the 1st, 1966 when the boycott started?

A I didn't have any fear. I had fear for her.

Q Well then, you had some fear, not for yourself, but for your wife. Is that correct?

A Right.

Q Now, we're going to stick to that, aren't we? That's the truth, isn't it?

A Everything I've told you has been the truth.

Q All right. Now, who did you fear would harm your wife?

A I just didn't know. I didn't have any particular person.

Q Well, why did the boycott being put on change the situation and cause you to have fear?

A Well, I don't know. Any time that a boycott is on, it makes anybody get fear sometimes.

Q It made you have fear for your wife, I believe you said.

[8715] A For her.

Q Not for yourself.

A No. Because I hadn't done anything to be afraid.

Q You were afraid someone would molest your wife. Is that correct?

A That was right.

Q And as a result of that fear for your wife, you and your wife did not trade with any white merchants until February of 1967 when the NAACP took the boycott off of the white merchants.

A I don't know where she bought her groceries.

Q Let's stick to you. Did you trade with anybody, any white merchants in Claiborne County between April 1st, 1966 and February of 1967?

A Well, I just couldn't recall. I could have gone into Lum's Store. I could have gone to Ellis' Store and bought something, but in that length of time I just couldn't recall back that far and say whether I bought something or whether I didn't, because I just don't know from that length of time.

* * * *

[Witness Jimmy Ellis]

[CROSS-EXAMINATION]

* * * *

[8939] Q During the time the boycott was actively being carried out in 1966 and 1967 and before you left to go off in 1968, you were aware of a number of reports of incidents of violence directed toward the black people who were violating the boycott, weren't you?

A Yes, I had heard of it.

Q Which ones did you hear about?

A I can't remember any specific one right offhand, but I just heard of some.

Q May I refresh your memory? Did you hear about the home of Phil Gilmore and James Gilmore being shot into?

A Yes, I heard people talking about that.

Q And you know three blacks were arrested for this.

A Yes.

Q And were charged and actually tried for it, [8940] weren't they?

A Yes.

Q Did you attend any of the trial?

A I don't know. I believe I did. I'm not for sure. I think I did. I'm not for sure.

Q These were James Whitney and Calvin Bailey and Elmo Scott.

A That's correct.

Q And the word was that if you violated the boycott you would be punished, a black person, wasn't it?

A Say was that the word?

Q Yes. The rumor that was out.

A Oh, the rumor, yes.

Q That was the fear in the black community among a number of the black people, that if they didn't observe the boycott, harm would come to them, wasn't it?

A Well, in some it was, and some it wasn't.

Q Did you hear of Johnny Cox and his wife being threatened and their house being shot into?

A No, because I don't even know Johnny Cox, I don't believe.

Q Did you hear of an incident when Eddie Lee Wells, George Henry Walker, James Bailey and Calvin Bailey stopped Johnny Cox from going into the cleaners and getting his clothes from the cleaners?

A No, I never heard of that incident.

Q You know Emerson Davis, you said.

A Yes, I know Emerson Davis.

Q You deny that you took his whiskey away from him [8941] and broke it.

A That's correct.

Q You did hear Emerson Davis was not observing the boycott, didn't you?

A That's correct.

Q And you did hear that Emerson Davis had been beaten up on the streets in Port Gibson one time, didn't you?

A Yes, I heard this.

Q Did you hear who beat him up?

A No, I didn't.

Q Did you hear that whiskey was taken away from him and broken that he had bought in a legitimate way?

A No.

Q Did you hear his windshield had been broken out?

A No, I didn't know anything about that.

Q Did you know anything about any of the other incidents we have asked you about?

A No, I didn't.

Q Do you know Laura Cullins?

A Yes, I know Laura Cullins real well.

Q She lives out there on the same road you do, doesn't she?

A That's correct, not far from me.

Q Did you hear that her house was shot into because she was not observing the boycott?

A No, I haven't.

Q Did you hear that she received a number of threatening telephone calls at all hours of the night about [8942] violating the boycott?

A No, I didn't.

Q Did you hear stones and brickbats and other materials were thrown on her house for the same reason?

A No, I didn't hear that.

Q You did not hear that?

A No, I didn't.

Q Do you know her son Murriel?

A Yes, I know him well.

Q Did you hear Murriel Cullins had his windshield of his truck knocked out because he was violating the boycott?

A I heard that he had his windshield knocked out. He told me this himself.

Q What was your understanding as to why it was knocked out?

A Well, that was the same reason that you stated. That's what he said.

Q Said that he had been accused of violating the boycott?

A That's right.

Q Do you know Percy Parham?

A No, I don't.

Q Do you know anything about his house being shot into?

A No, because I don't know him. Don't know where he lives or anything.

Q Do you know a black man named Willie Myles?

A Yes, I know Willie Myles.

Q He lives at Hermanville, doesn't he?

[8943] A Somewhere in that neighborhood, yes.

Q Did you hear about his house being burned?

A No, I didn't.

Q Do you know this colored man in Port Gibson they call "Fats"?

A No, I don't believe so.

Q Alfred Lee Davis.

A I know Alfred Davis, yes.

Q Did you hear anything about Alfred Lee Davis calling Willie Myles a "white man's Nigger"?

A No, I didn't know anything about that.

Q Did you hear that Willie Myles had been threatened and stopped on the road on his way home from work at Le Tourneau's?

A No, I didn't.

Q And threatened because he was violating the boycott?

A No.

Q You know "Preacher" White there in town, this elderly colored man who was a brickmason, don't you?

A Yes, I knew him. I was related to him.

Q How related to him are you?

A He's related on my father's side. He's a cousin. I don't know. He's a cousin.

Q He's a cousin?

A Yes, he was.

Q I believe he passed several months ago, didn't he?

A I don't know. It's been some time ago, yes.

[8944] Q You heard about his being whipped on the streets of Port Gibson.

A Yes. He was telling my father about that.

Q And it was your understanding that his beating came about because he did not observe the boycott, wasn't it?

A That's what he said. I don't know.

Q Did you hear him tell your father that?

A Yes, I did.

Q It was in your presence?

A Yes, it was.

Q Did he accuse you of being one of those who beat him?

A No, he didn't. If he did, he didn't say anything to me about it or to my family about it.

Q Were you accused of beating Emerson Davis?

A No, not that I know of.

Q Well, you'd know about it if they tried to arrest you, wouldn't you?

A That's true.

Q Do you know Wes Butler?

A I believe so. I'm not for sure.

Q Do you know anything of the rumor that Wes Butler was stopped from paying a bill at the Auto-Lec store?

A No, I don't know anything about that.

* * * *

[DIRECT EXAMINATION]

* * * *

[8954] Q Mr. Ellis, how long after the boycott started did the Deacons form?

A It was quite some time, I believe. I'm not for sure. I'm really not sure on that.

Q Were you one of the original members, or do you know?

A No, I really don't know, because I think when it was first organized it was this club, the Defenders, I believe was mentioned in that document he showed me there.

Q What did they call it?

A The Defenders.

Q I see. And it was a club for what purpose?

A Well, it served sort of as a guard to protect the church and the people marching.

Q I see. Did it develop out of an NAACP meeting, do you know?

A I really don't know. But so far as I can remember, I heard someone say that the church was going to be bombed, they had bomb threats and things of this nature, [8955] that the Ku Klux Klan was going to start riding and killing up the black people there if they didn't stop the meetings in the church and different things.

Q And that's the reason for the Defenders?

A That's right.

Q Now, will you tell me whether or not you saw any overt evidence of white violence towards blacks in Port Gibson during that period?

A Well, you mean physical violence like somebody really beating up somebody?

Q Evidence of surveillance with guns or anything like that.

A Well, I know there were a number of white people riding around with guns in their trucks and they would point them out of the windows and things a lot of times when we would be marching, because this scared me a whole lot of the time, and especially this guy named Jones. He always had a weapon in his vehicle with him.

Q Did you ever see any evidence of weapons while you were picketing?

A Yes. White people had weapons in their cars and things and they would ride up and down through town.

But actually, physically drawing it on someone, I don't remember.

* * * *

[Witness Marcus Jones]

[CROSS-EXAMINATION]

* * * *

[10208] Q What blacks did you hear were not observing the boycott?

A Will Shaifer for one.

Q Who else?

A Emerson Davis.

Q Who else?

A Some dude named White.

Q Was that Preacher White?

A Yes.

[10209] Q Did you and a group of other blacks meet Preacher White in an alley in Port Gibson and whip him?

A No.

Q Did you hear about that?

A Yeah, I heard about it.

Q Where did you hear that?

A On the street somewhere.

Q Some of your friends tell you about it?

A Probably. I don't recall.

Q Which one of your friends helped whip Preacher White?

A I don't know.

Q You knew some of them did, didn't you?

A I didn't know any of my friends did it.

Q Which one of them did you hear was engaged in whipping Preacher White because he refused to observe the boycott?

A None of my friends.

Q What blacks did you hear had whipped Preacher White because he had refused to obey the boycott?

A I didn't hear any names. I just heard he got beat up or something like that.

Q You were in favor of that, were you not, because if he was going to violate the boycott, you thought he ought to be beat up, didn't you?

A I was in favor of something, but not necessarily beating him up.

Q What kind of something were you in favor of happening to Preacher White because of his failure to observe [10210] the boycott?

A For blacks not to associate with him.

Q Did you advocate that he be socially ostracized?

A I am not sure what you mean by ostracize.

Q Did you advocate that other blacks join you in not associating with him?

A That is what I would prefer to happen to him.

* * * *

[10216] Q You and Alfred L. Davis ever stop anybody, any black man, and take his whiskey away from him and break it because he had gotten a white woman to buy the whiskey for him at a white store?

A No.

Q Did you ever stop any black person and take any goods away from that black person and destroy it just because the goods had been purchased at a white store?

A No.

[10217] Q Do you know of anyone who did that?

A No.

Q Had you heard about that happening?

A I have heard about it.

Q Who did you hear that it happened to?

A I don't recall who it was.

Q What black people did you hear that took the goods away from this person whom you now can't recall and destroy it?

A I now can't recall who the individual was, either.

Q You do have a convenient memory, do you not?

A Convenient? What do you mean by that?

Q It is convenient that you can't remember who the victim was or who the perpetrators of the violence were.

A It is not convenient. It is just that I can't remember.

Q You did know at one time, did you not?

A I have heard about it, but I just—

Q But you have just forgotten?

A Yeah, I have heard a lot of things that I have forgotten.

Q That was so unimportant that you didn't even think it worth remembering?

A Not to me, it wasn't.

Q Not to you, it wasn't unimportant?

A It wasn't worth remembering.

Q Oh. You were unconcerned about black people who were the victims of violence by other black people, simply [10218] because they had traded with white merchants?

A I feel they brought it upon themselves.

Q And you thought that was all right?

A Not necessarily—

Q And they ought to be punished?

A Not necessarily all right, but if that is the way it went down, that is the way it went down.

Q So you had no objection to them being—becoming victims of violence by other blacks for violating the boycott, is that right?

A No, I didn't object.

Q You did hear that Alfred L. Davis was one of the enforcers of the boycott, did you not?

A No, I never heard who the enforcers were.

Q Well, you did know that they had some enforcers, people who were punishing blacks for violating the boycott, didn't you?

A I heard something like that, but I never did get any details on it.

Q It was pretty generally known in Claiborne County that there were some black people who would punish other black people for violating the boycott, wasn't it?

A It was generally known, yes.

Q And as a result of that being generally known, there was a good deal of fear on the part of black people to trade with the white merchants, was there not, while the boycott was in full swing?

A I don't know whether they were afraid or not.

Q Weren't you afraid to trade with white merchants?

[10219] A No.

Q You never knew a single black person that was afraid?

A They never mentioned it to me.

* * * *

[10221] Q Do you know where the Deacons held their meetings?

A No, not specifically.

Q Well, generally, where did they hold their meetings?

A Probably at the church, I guess.

[10222] Q Is that what you heard?

A No. It seems to be the logical place, I guess.

Q Were the Deacons armed?

A Yeah, I believe they were armed.

Q What kind of weapons did they have?

A All I know was guns.

Q Hand guns, pistols, or shotguns?

A Shotguns, probably.

Q What kind of weapon did you have?

A None.

Q What kind do you have now?

A None.

Q This church where you think that the Deacons held their meetings, was that the First Baptist Church in Claiborne County?

A It is.

Q Is that the same place the NAACP held its meetings?

A Sometimes.

Q Were the Deacons a part of the NAACP? Was it an [sic] organized under the auspices of the NAACP to your knowledge?

A Not to my knowledge.

Q Who organized the Black Deacons in Claiborne County?

A I don't know who organized them.

* * * *

[10235] Q On Exhibit C-6 on the first page, Volume I, No. 2, dated July 17, 1970, an independent weekly, in the first column on the left, is a story that says, "Support Selective Buying." Do you see that?

A I do.

Q Did you write that headline?

A No.

Q Do you know who wrote this article under "Support Selective Buying"?

A No, I do not.

Q One of the paragraphs says, "For some reason, the black people within the town of Port Gibson have lost faith in the movement and their black leader." What movement is that they are talking about?

A Evidently it must have been the movement to get blacks together and get them registered and get them aware of what was going on and try to get them together so that they could get things better for themselves.

* * * *

[Witness Alex Warner]

[CROSS-EXAMINATION]

* * * *

[10681] Q What do you think of those people who went ahead and violated the boycott? You think they might be traitors to the black race?

A Yes, sir.

Q You still feel that way?

A Yes, sir.

Q Did you know that Laura's house had been shot into?

A No, sir, I didn't know it had been shot into. I know that rocks had been throwed, or something like that.

Q And it was because she had violated the boycott, wasn't it?

A I imagine it was.

Q What kind of roof does she have? A tin one?

A Yes, sir.

Q Rocks on a tin roof kind of makes a noise, doesn't it?

A Yes, sir.

Q It would wake up the dead almost, wouldn't it?

A It would make a noise.

* * * *

[10684] Q When the boycott went into effect, Sheriff McCay had the Borden milk route there in Claiborne County. You knew that, didn't you?

A Yes, sir.

Q You heard about the time that Johnny Shorter, who was a black delivery man, and a white man named Hynum, were trying to deliver milk to Addison High School and were prevented by the black students there from bringing the milk in. You heard about that, didn't you?

A Yes, sir, I heard about that.

Q And that was because there was a boycott on the white merchants, wasn't it?

A Yes, sir.

Q Did you hear that they went ahead and perfected delivery anyhow but they almost had a terrible situation down there as a result of this?

A Yes, sir, I heard about some student violence.

Q Quite a bit, wasn't it? Is that what you heard?

A Yes, sir.

Q They pulled the wires loose from his truck, didn't they?

A Yes, sir.

* * * *

[Witness Mack Tisdale]

[CROSS-EXAMINATION]

* * * *

[10850] Q Did you tell me that you had heard there had been some violence of people getting spanked or beat up who wouldn't observe the boycott?

A I've heard that, yes.

Q Who did you hear that something had happened to them?

A I don't know them personally.

Q I mean, whose names did you hear whether you know them personally or not?

A I didn't know their names.

Q Huh?

A I don't know none of their names.

Q Do you know Willie Myles who lives down at Hermanville?

A No, sir.

Q His wife is named Myrtle. You don't know them?

A No, sir.

Q Did you ever hear that his house was burned and he was stopped on the road, and received threatening phone calls because he wouldn't observe the boycott?

A No, sir.

Q Do you know Phil and James Gilmore?

A No, sir.

Q Did you ever hear that their house was shot into because they wouldn't observe the boycott?

A No, sir.

Q Do you know Johnny and Susie Cox?

A No, sir.

[10851] Q Did you ever hear that their house was shot into because they violated the boycott?

A No, sir.

Q Do you know Emerson Davis, a commercial fisherman?

A No, sir.

Q Have you ever heard his name before?

A Sure haven't.

Q Did you ever meet a Rudy Shields? Have you ever heard of Rudy Shields?

A No, sir.

Q Do you know Laura Cullens or Muriel Cullins, her son?

A No, sir.

Q Did you hear that her house was shot into and rocks thrown on the porch?

A No, sir.

Q Do you know anybody named Percy Preham?

A No, sir.

Q Never heard that name before?

A No, sir.

Q Do you know a brickmason down in Claiborne County called Preacher White?

A Yes, sir, I remember him.

Q Was he a preacher?

A Yes, he was a preacher.

Q Do you know him personally?

A Yes, sir, I met him personally. I know him personally, yes, sir.

Q He's dead now, isn't he?

A Yes. He's been dead quite a while.

[10852] Q Did you ever talk to him about the boycott?

A No, sir.

Q What did y'all talk about?

A Talked about nothing. I got him to come over there and build me a chimney once. He ain't never brought up the boycott, him or myself either one.

Q Was that before or after the boycott started when he built the chimney?

A That's before.

Q Did you hear that he got whipped in an alley by some young blacks because he bought some whiskey in a white store there?

A No, sir.

Q You never heard that?

A No, sir.

Q Do you know Wes Butler?

A No, sir.

Q Have you ever heard that name mentioned before with the boycott?

A No, sir.

Q You know, of course, Sheriff McCay, don't you?

A Who?

Q You know Sheriff McCay, don't you?

A Yes, sir.

Q Did you hear that his milk truck was stopped at Addison High School and they wouldn't let him deliver the milk?

A No, sir.

Q You never heard any talk about that?

A No, sir.

[10853] Q How about Will Shaifer? Do you know him, a black man that runs a pool room there?

A I did know of him. I didn't know where the pool room was.

Q You don't shoot pool, do you?

A No, sir.

Q Preachers aren't supposed to do that, are they?

A No, sir.

Q Did you hear that he was put under the boycott for a short time?

A No, sir, never did hear that.

Q Do you know Joe Heath and his wife?

A Yes, I know them.

Q Did you hear that they were threatened because they were trading with white merchants?

A No, sir.

Q Did you ever talk to Joe Heath?

A No, sir.

Q Where have you known him? How well do you know him?

A I know him pretty well.

Q You talk to him, don't you?

A Occasionally.

Q Is he a member of your church?

A No, sir.

Q Never heard him mention, or his wife mention, anything about the boycott?

A I never have.

Q How about Ella Lee Phelps? Do you know her?

A Yes, sir.

[10854] Q How long have you known her?

A Oh, quite a while.

Q Is she a member of your church?

A No, sir.

Q Did you hear that she was afraid to finish her house because she would have to buy from white merchants?

A No, sir.

Q How about Jasper Coleman, a carpenter and a contractor? Do you know him?

A Yes, sir.

Q How well do you know Jasper?

A I just know him when I see him.

Q Did you hear that he was afraid to buy some material from Mr. Vaughan?

A No, sir.

Q Do you know whether or not he observed the boycott?

A Sure don't.

Q Do you know Alfred Sheppherd?

A No, sir.

Q Did you ever hear his name mentioned in connection with violating the boycott?

A No, sir.

Q Did you know Tommy Rice during his lifetime?

A No, sir.

Q Did you hear that somebody threw some black paint on his house because he was violating the boycott?

A No, sir.

Q By the way, what did you think of people down there who didn't participate in the boycott like you did?

A Sir?

[10855] Q What did you think of the people down there who didn't participate in the boycott like you did?

A I didn't have no thoughts about it. They could use their own judgment about it, is all I know.

Q Did you consider them as not being faithful to the black movement down there?

A No, sir, I didn't tell them that. It never was discussed.

Q Do you know some black people who kept trading with the white merchants?

A No, sir, I don't know them. I just saw them come out of the stores.

Q Well, did you recognize them or know who they were?

A No, sir.

Q Do you know a Susie Gibsie [sic]?

A No, sir.

Q Ever heard her name mentioned in connection with violating the boycott?

A No, sir.

Q Do you know a black man named Ernest Darden?

A No, sir.

Q Did you ever hear his name mentioned that he was threatened because he wouldn't observe the boycott—was violating the boycott?

A No, sir.

Q Do you know a colored woman named Mrs. Willie Butler whose nickname was "Nig" who lives in Port Gibson?

A No, sir.

[10856] Q Didn't you hear that her blouse was torn up by some black people because she violated the boycott?

A No, sir.

Q Did you ever trade with Lee's Grocery?

A Yes, sir.

Q Did you trade with them after the boycott started?

A I traded with them occasionally, a little bit, yes, sir.

Q Didn't you hear that the NAACP put a boycott on Lee's Grocery even though they're black, colored?

A No, sir.

Q You never heard that they were under the boycott for a short period of time?

A No, sir.

Q Do you know a man down there named Dee Smith?

A No, sir.

Q Do you know a black man named Roosevelt Wyatt who worked part-time with the sheriff? Call him "Shorty"?

A Oh, I know him—just see him.

Q Did you hear that he was threatened because he was violating the boycott?

A No, sir.

Q Well, what did you hear about the violence? You told me yesterday you heard a lot about it. Who did you hear had been threatened or property destroyed?

A I've heard them speak about two or three different people was threatened; but all them names you called, I haven't heard that.

Q Well, you tell me who you heard had been threatened?

[10857] A I don't know what persons. They said that's what they were doing. But I tell you about me, I

can't keep nobody's name straight but I know that some of the people said they had been threatened.

Q Why were they threatened?

A They threatened to whip some of them; that's what they told me.

Q They threatened to whip them because they kept trading with the white merchants, didn't they? Wasn't that the general knowledge of the community down there, that if you violate the boycott you may get whipped?

A I don't know.

Q Well, you heard it up and down the streets, didn't you?

A Not up and down the street 'cause I don't be up and down the street. People talking, you know, at church and everywhere else, and talk about those things.

Q It was pretty generally known around Pattison that if you violated the boycott you might get whipped. Is that right?

A I don't know of no one around there that got whipped.

Q That's not what I asked you.

A What did you say now?

Q It was common knowledge among the blacks down there around Pattison that if you violated the boycott, you may get whipped.

A Maybe it was.

Q Well, was it or wasn't it?

A I don't know, sir.

[10858] Q Well, you heard it, didn't you?

A I heard it; but knowing it, I don't know.

Q Well, did you hear it in a group of people talking about it?

A Well, just said if you go in the stores—that someone had been told if they go in the stores what they'd do to them. And that's all I heard.

Q You heard that at the church, too, didn't you? At one of your churches?

A I didn't hear that at any one of my churches.

Q Well, you were around the Pattison community when you heard it. Is that what you're telling us?

A That's right.

• • • •

[10869] Q You told us when you told Mrs. Bearden that you were going to have to pay up and observe the boycott because you didn't want any trouble, what kind of trouble were you expecting if you kept trading with Mrs. Bearden and Mr. Jordan?

A I heard that they had someone watching the stores; and if I go in there, I didn't want to have no trouble with them. If I'd went in there, they would have contacted me. And I just didn't want to be in it.

Q You were afraid they might do something to your house at night when you were asleep, weren't you?

A Well, I didn't think much about the house. I was thinking about myself.

Q You didn't want them whipping you, did you?

A No, sir.

Q And you were expecting it if you were caught going in the store, weren't you?

A I thought maybe something like that might would have happened.

Q Wasn't that common knowledge among the community, that you may get whipped if you went in a white store?

A I heard that.

Q Huh?

A I heard that, yes, sir.

[10870] Q Well, everybody around you knew that, too, didn't they? Your friends and acquaintances?

A That's right.

Q They knew that?

A That's right.

Q It scared them, too, didn't it?

A I don't know, sir. It might have scared someone.

Q Some of your friends and acquaintances ever tell you, "I'm afraid to go in a white merchant's store"?

A They never did tell me that.

Q Who are you talking about? Some of your friends never did tell you that?

A Some of the people never did tell me that.

Q Did all your friends and members of your church and relatives observe the boycott along with you, didn't they?

A I don't know, sir.

Q Huh?

A I don't know.

Q Well, you said you saw some blacks going in the stores, but you didn't know who they were. So, they're bound to have been——

A Wasn't my family going in the stores. Nobody connected with my family.

* * * *

[10871] Q I'm just about through with you, Reverend. When you told Mrs. Bearden that you couldn't come back because [10872] you didn't want any trouble and that "they" had people watching the stores, who were "they" that you're talking about?

A I don't know. I heard them talking about it. I don't know who they had; who they had personally; or nothing.

Q You heard that the NAACP had people watching the stores, didn't you?

A Must have been—I don't know whether it was the NAACP or who. I heard of it.

Q That was your judgment, that the NAACP had people watching the stores, wasn't it?

A I wouldn't say for sure and I don't know who it was, but that's what they told me—that they were watching the stores.

Q Who told you that they had storewatchers?

A They didn't personally tell me. I just get out and talk and just talking, you know, and I heard that. They

didn't make a special trip to see me to tell me about it. I just heard it.

Q You were just in a conversation with other members of your race and somebody said they got storewatchers?

A Yes, sir.

Q Who did you understand had charge of the storewatchers watching the white merchants?

A I don't know, sir.

Q Wasn't it the NAACP?

A I imagine it was. I don't know.

* * * *

[Witness Roscoe Johnson]

[CROSS-EXAMINATION]

* * * *

[12884] Q You understood that if you didn't observe the boycott, some harm might come to you, didn't you?

A No, sir. Nobody ever told me that.

Q You heard about incidents where harm came to these people who were trading with the white stores in violation, didn't you?

A Well, I said I heard about it.

Q Who did you hear about it from?

A You have to name them for me to tell you. I just can't——

Q I just wanted to ask you. You know James Gilmore, don't you?

A No, sir, I don't know him.

Q You heard about their house getting shot into by Elmo Scott, Calvin Bailey, James Whitney because they were not observing the boycott, didn't you?

A I didn't know what it was about, but I heard that. That somebody shot into their house. I didn't know the names of the people was.

Q You heard those three young men whose names I've mentioned were arrested and tried for it, didn't you?

A I heard they were arrested. I didn't know what they did about it.

Q You understood that it arose out of the boycott, [12885] didn't you?

A Beg your pardon.

Q You heard it came out of the boycott, didn't you?

A I heard that they shot in the house, and they were arrested. I didn't know what become of that. You know, what happened after that.

Q You didn't hear that they were shot at because they were not observing the boycott?

A No.

Q Do you know Johnny Cox?

A I'm not sure. Sometimes I know people, I call them by one name and their real name is something else. I'm not sure.

Q Did you hear that this fellow Cox had his house burned or shot into because he and his wife were not observing the boycott?

A No, sir.

Q Do you know Laura Cullens?

A Yeah, I know her.

Q You heard about Laura Cullens' house getting shot at because she wasn't observing the boycott, didn't you?

A No, sir, I didn't hear that.

Q You heard she got a lot of telephone calls in the middle of the night, and somebody threw bricks on top of her tin roof house because she wasn't observing the boycott, didn't you?

A No, sir.

[12886] Q You know she's got a boy named Murriel, don't you?

A I know she's got some boys, but I don't know their names.

Q Did you understand that one of her sons had their windshields broken out of their car because they were not observing the boycott?

A No, sir.

Q You know Emerson Davis there in Port Gibson, don't you?

A Yes, sir.

Q You understood that Emerson got beat up sometime because he wasn't observing the boycott, didn't you?

A I heard he got beat up. I didn't know nothing about who beat him or anything about it.

Q You didn't know what it was about?

A No, sir.

Q Did you know who beat him?

A No, sir.

Q Did you know that his windshield got broken out in his pickup truck or his car?

A No, sir, I hadn't heard that.

Q You know Willie Lee Myles, don't you?

A Yes, sir.

Q I believe Willie Lee works up at Le Tourneau, doesn't he?

A I don't know, sir, where he works. That's a good ways from me. I don't know. I haven't met him too long ago. Just a couple of years ago.

[12887] Q You understood that Willie Lee Myles' house got burned because he wasn't observing the boycott, didn't you?

A Well, I heard that. I didn't know his house got burned. I just heard it.

Q You heard he got threatened and got stopped on the main road of the highway because he wasn't observing the boycott, didn't you?

A No, sir. I just heard about his house getting burned.

Q Did you know Preacher White there in Port Gibson during his lifetime?

A Yes, sir.

Q You heard about him getting whipped by some young blacks because he wasn't observing the boycott, didn't you?

A I heard that.

Q Do you know Wes Butler?

A Yes, sir.

Q You heard about Wes Butler getting stopped by Eddie Lee Wells and James Bailey and George Henry Walker when he tried to pay a bill at the Auto-Lec Store, didn't you?

A No, sir, I haven't heard that.

Q Did you know Sheriff Dan McCay had the Borden milk route there in Port Gibson at the time of the boycott?

A No, sir. I didn't know he ever had it.

Q Did you hear about the Borden Milk man getting stopped for delivering milk to Addison School?

[12888] A No, sir.

Q Somebody slashed a tire on his truck and threw the key away and pulled the wires off his truck?

A No, I didn't hear that.

Q I believe you said you heard about Will Shaifer getting——

A Beg your pardon.

Q You heard about Will Shaifer getting beat up during the boycott?

A I don't believe I told you that.

Q You didn't hear that?

A No.

Q Do you know Joe Heath and his wife?

A No, sir, I don't believe I know him.

Q Did you hear anything about a person named Joe Heath and his wife being threatened by a black woman by the name of Marie Collins?

A No, sir.

Q Did you know a black man in Claiborne County or Port Gibson by the name of James Bailey? A young black man?

A James Bailey? That name sounds familiar but I wouldn't say for sure that I know him.

Q Did you have any understanding with James Bailey who tore up the flower beds of a black woman by the name of Nig Butler?

A No, sir.

Q Because she was buying groceries from the Piggly-Wiggly Store?

[12889] A No, sir. Never heard that before.

Q Did you know Ella Lee Phelps?

A Yes, sir.

Q Did you know Ella Lee Phelps started to build a house before the boycott started, and she couldn't complete it because she was afraid to come and trade with Mr. Bobby Vaughn's lumber company there because he was under the boycott?

A I didn't hear that.

Q You knew Jasper Coleman?

A Jasper?

Q Contractor and carpenter?

A I know a Coleman, but I didn't know his name was Jasper, and he is a carpenter.

Q What age fellow is he?

A Well, he's not young.

Q He's a settled-age fellow?

A Settled-age fellow, yes, sir.

Q Did you understand that he was unable to finish several jobs that he had begun because he couldn't get materials because the boycott was on in Port Gibson Lumber and Supply Company?

A No, sir, I haven't heard that.

Q You haven't heard that?

A No, sir.

Q Did you hear about his tires getting slashed on Christmas during the boycott because he was violating the boycott?

A No, sir, I didn't hear that.

[12890] Q Do you know Alfred Shepherd?

A No, I don't believe I know him.

Q Did you know Tommy Rice during his lifetime?

A Yes, sir, I knew him. I didn't know a whole lot about him. I just knew he used to work in a meat market of Jitney-Jungle.

Q Of Jitney-Jungle?

A Yes, sir.

Q That's Mr. Watt Avery, isn't it?

A Yes, sir. I believe he worked back there.

Q He had a house in Port Gibson that was white—painted white, didn't he?

A I'm not familiar with his house.

Q You heard that he was violating the boycott, and his white house had black paint smeared on it because he was violating the boycott, didn't you?

A No, sir, I didn't hear that.

Q Do you know Suzie Gibson?

A I don't believe I know her.

Q Did you hear of an incident when it was said that Suzie Gibson had been trading with Mr. Norman Ellis' place there—you remember Mr. Norman Ellis and Mrs. Barbara Ellis and their variety store?

A Yes, sir.

Q You do remember that store?

A Yes, I remember that store.

Q You know that store went out of business during the boycott, don't you?

A I don't know. I'm not sure.

[12891] Q You're not sure?

A No, I'm not sure. I never noticed it going out of business.

Q You never paid it no mind, did you?

A No, sir.

Q Did you understand or have any information that Suzie Gibson had been stopped after she came out of Ellis Variety Store by Charles Evers and was told not to go back and trade there no more—that that store was under boycott?

A No, sir.

Q Did you ever trade with the Ellis Variety Store?

A I don't think so.

Q You don't know whether they had black clerks and cashiers or not, do you?

A No, sir.

Q Do you know Ernest Darden?

A I don't believe so.

Q Did you hear of an occasion right after the boycott when Ernest Darden tried to go into Piggly-Wiggly Store there on Market Street which is the main street of Port Gibson and apparently didn't know about the boycott, and was stopped by Buster Barber, Calvin Williams and a big crowd of blacks who told him he couldn't go in there and trade and the sheriff had to come help him out?

A No, sir, I didn't hear that.

Q You didn't hear about that?

A No, sir.

[12892] Q Do you know a black man in Claiborne County by the name of Dee Smith?

A Not Dee Smith. I don't know him. Some of these people's names that you're calling out, I imagine I know him, but you're giving them a different name from what I call them. If they've got a nickname I don't know them by their real name. When you get some of those names that sound familiar, you got me on some of those last and first names.

Q I'm going to get you with this one. Do you know Shorty Wyatt, the jailer there?

A Yes, sir, I know him.

Q His real name's Roosevelt Wyatt?

A I believe it is.

Q How do you know that?

A Well, we used to work on deer camp together and cook down there. And I used to help him.

Q You knew about the time that he was going into Piggly-Wiggly to buy some food for the jail and was stopped by a black man by the name of Dee Smith and told he could not trade there because it was boycotted, didn't you?

A No, I didn't hear that.

* * * *

[Witness Johnny Cox]

[DIRECT EXAMINATION]

* * * *

[13627] Q How did you get the word that the boycott was put on the white merchants in Claiborne County?

A Well, I didn't get the word until they attacked me. When they attacked me, that's the only way I knowed about it.

Q Who attacked you?

A Eddie Lee Wells.

Q Eddie Lee Wells?

A Yes, sir.

[13628] Q What did he do to you?

A He told me to—he told my wife to not go in and get her clothes, and so she come told me. And so I went and got a town policeman to go with me.

Q Do you know about when that was?

A Yes, sir, that was along about the time the boycott was—about the middle ways of it.

Q So Eddie Lee Wells told you not to go in the white stores?

A Yes, sir. He told me I'd better not go get my clothes.

Q Did you and—were you and your wife together when he told you that?

A Yes, sir, we were together.

Q Where were your clothes?

A They were around there at the O. K. Cleaners.

Q Y'all were standing out—where were you standing?

A We were standing right in front of the store—when we were going in there, he said, "You'd better not go in there." And so I didn't have no nothing, so she said it'd be best you go get the town police or sheriff, and I told her, "All right." So I turned around and went right on across the street there, and he come over there with me.

Q Who came over with you?

A The town police.

Q What's his name; do you know?
A No, sir, I don't, but he's the chief.
Q Chief Porter?
A Yes.
[13629] Q Was Eddie Lee still standing there?
A Yes, sir, he was still standing there.
Q Who else was standing with him, if anybody?
A There was another fellow. I don't know who he was.
Q Do you know George Henry Walker?
A No, sir, I don't know him.
Q Do you know James Bailey?
A Yes, sir.
Q Was he there when Eddie Lee told you not to go in there?
A No, sir, I don't remember him being there.
Q Were any other people standing around with you——
A Yes, sir, it was about half a dozen there—I imagine trying to go in and do like I was—go in and get the clothes. He come up there and made the remark and had his hand in his pocket and all like that. I imagine he thought like I thought that he was going to do something to them.
Q Were the other people standing around—were they black or white?
A Yes, they were black.
Q Do you know Calvin Bailey?
A Calvin——

BY MR. WILSON:

Your Honor, I'm going to object. The witness said he didn't recognize—didn't know the names of the other people that were there.

[13630] BY THE COURT:

He hasn't said that this other person was there, Mr. Wilson. He just wondered if he knew Calvin Bailey.

Q Do you know Calvin Bailey?

A No, sir, I don't know him.

Q You said you knew James Bailey?

A Yes.

Q Did you ever have any conversation with James Bailey about the boycott?

A Well, I asked him why did they have something like that on because it was against the poor people. We didn't have nothing—no where to get nothing but the groceries of the white people he was trying to get. We didn't have anymore help among ourselves to get nothing so I was going to go on like I was going and they told me it'd be best not to do that. That's the only way I knowed of doing. That's the way I was going to do.

Q Did you observe the boycott?

A No, sir.

Q Did anybody else ever try—did any other members of the black race down in Claiborne County tell you not to trade in the white stores?

A No, sir. He was the only one.

Q Was your house ever shot into?

A Yes, sir.

Q Tell the Court how that happened?

A Well, I was in the house there—me and my wife—laying down, and so all at once somebody laid three shots. [13631] And it just miss my wife's head just about that far.

Q What—did it come through the window or through the walls?

A No, sir, through the wall. So I went out there and I was going to get my gun. My gun's out there in my truck, and I was going to get my gun. And when I went out the door, they shot at me and missed me by about that far—you know, about that much from missing me,—you know, when I went to get my gun out of the truck.

Q Now you indicated about eight inches?

A Yes, sir, about eight inches, when I went to get my gun out of the truck.

Q What kind of gun did you have in your truck?

A I had an automatic pump gun.

Q Shotgun?

A Yes, sir.

Q What were they shooting at you with?

A Well, it looked sort of like—on the dent of the pickup, it looked like a pistol that they shot at me with then, but the shotgun—the gun that they shot the house with, it was—it had been a shotgun because there were fine holes all in the door.

Q What size shots; do you know?

BY MR. WILSON:

Your Honor, I'm going to object to this whole line of questioning and move that the questions and answers be stricken unless somehow it's shown that the people that were doing the shooting were defendants in this case, and that it had to do with [13632] the boycott.

BY THE COURT:

This is going to have to be tied in, Mr. Wilson, but I'm not going to require Mr. Gore to put on every bit of this testimony at one time. It takes some questioning to ties [sic] these matters in. I'm listening to this, I want you to understand, with the understanding that this will be tied in to this case.

BY MR. WILSON:

I would like a standing motion that it be stricken if not tied in.

Q About how long had the boycott been on when your house was shot into?

A It had been on about three weeks?

Q When you ran out to your car and you were shot at again, did you see anybody?

A Yes, sir, I saw them.

Q Who was it?
A Eddie Lee Myles—Eddie Lee Wells.
Q Was he by himself or with somebody else?
A No, sir——
Q Was there anybody else with him?
A Yes, sir, there was somebody else with him.
Q Do you know who it was?
A Yes, sir, his name was Neal.
Q Neal?
A Yes, sir.

* * * *

[13635] Q Was anybody else in the house with you when they shot into it?

A Yes, sir, my wife and children were in there.

Q How old are your children? How many do you have?

A I've got six, but it wasn't but three of them with me along in there.

Q Did—back to this cleaners. Did Eddie say anything to you when you came back with Chief Porter?

A Yes, he told me he'd see me. That's all he said was, "I'll see you."

Q What did you understand that to mean?

A He meant that he was going to try to do something to me. So I went up there and talked to the sheriff, and he said—he told me, "Well, has you got a gun?" I said, "Yes, sir." And he said, "Stick it in your pocket." He said, "if he attacks you, let him have it.["]

* * * *

[CROSS-EXAMINATION]

* * * *

[13648] Q Mr. Cox, you said that W. L. Neal is a member of the NAACP?

A He was.
Q How do you know that?
A He said he was.
Q When did he say that to you?
A I don't know why he said but that's what he said.

Q When did he say it to you?

A I couldn't—I wouldn't count the times he said it but he said he's a WNP. He's the one that shot my house there.

Q He said he was a member of the NAACP?

A Uh-huh.

Q How do you know that he was?

A He said he was.

Q When did he say that to you?

A I wouldn't count the times he said it. I didn't have no count when he said it. I couldn't go on and tell you about what day it was because I didn't have almanac.

* * * *

[13658] Q How long have you disliked Eddie Lee Wells?

A I ain't disliked him. You'd dislike anybody if they shoot in your house, wouldn't you?

Q How long have you disliked him?

A I don't dislike him. I don't like nobody shooting in my house. I don't dislike nobody. I loves everybody, but if they do something wrong to me, I don't [13659] prefer that.

Q Do you like Eddie Lee Wells?

A No, I don't like him. No.

Q How long have you not liked him?

A Since he done that shooting in my house.

Q It didn't bother you that he stopped you from going in the cleaners?

A I was going to get my clothes. That's the reason I got the town police. I was going to get my clothes.

Q I think you told Mr. Gore that the shotgun blast came through the door?

A It didn't blast. I told him the shot came through the door.

Q You can show him that right now?

A I can show it to you. Do you want to go down there?

Q Do you still live in that house?

A No, I've moved out of there.

Q The house is still there?

A The house is still there. Do you want to go down there.

Q Do you own that house, Mr. Cox?

A I'm supposed to.

Q How many different houses have you lived in in Hermanville since that boycott?

A Just one.

Q Where do you live now?

A I stayed in Hermanville—the other side of Hermanville.

Q Where was the house that you burned down last [13660] October?

A It was out there near Carlisle. I didn't say nobody started the fire. I said it burned down. How it caught, I don't know. I said awhile ago I didn't know how it caught, and I don't.

Q Several times in your testimony, Mr. Cox, you used the word attacked. "You were attacked by Eddie Lee Wells." Did he hit you?

A He didn't hit me but he had his hands in his pocket. That was a threat, wasn't it?

Q What do you mean by the term attacked?

A Well, when a person comes up to you and tells you don't do something another and has his hands in his pocket, what do that represent? Now you answer my question, and I'm going to answer yours.

Q I would simply like to know since you used the word attacked—

A That's what I'm asking you now.

Q What do you mean by the word attack?

A Attack means stopping you.

Q He didn't touch you?

A No, he didn't touch, but I imagine he would have touched me if I hadn't gotten the law. And I run into trouble so that's why I went and got the law.

Q Now when was this that Eddie Lee Wells tried to shoot in your house?

A I didn't have no calendar or nothing. Just like I said, I don't know. I wasn't keeping no—

Q When was his trial?

[13661] A I don't know. That was the same year that he shot in my house is all I can tell you.

Q Were you called to testify?

A Called to testify?

Q At his trial of shooting in your house?

A Yeah, they done what they were going to do but it wasn't no good.

Q He actually went to trial?

A Yeah, he went to trial, sure did.

Q For shooting in your house?

A That's right.

Q When was that trial, Mr. Cox?

A I don't know. I couldn't tell you.

Q When was W. L. Neal tried for shooting in your house?

A The same day he was. Both of them was together.

Q Were they convicted?

A I don't know whether they was or not.

Q Do you not know, Mr. Cox, that no one was ever tried for shooting in your house?

A They were supposed to have been trying them.

Q You told the sheriff who it was?

A I told the sheriff who they were.

Q Did he tell you he was going to arrest them?

A He did arrest them.

Q And they were charged?

A I couldn't tell you what was done, because I don't know. When I said something, I want to know what I'm talking about. I ain't going to say nothing I don't know [13662] what I'm talking about. You'd have to ask some of them about what they do because I don't know.

Q If I said to you, Mr. Cox, that the records in Claiborne County show that no one was ever tried for shoot-

ing in your house including Eddie Lee Wells and W. L. Neal, you would have no reason to doubt that?

A I would have to believe what you said if I didn't know. Can you show it to me?

Q Mr. Cox, as a matter of fact, you don't know who shot into your house?

A Yeah, I know who shot in there. I was looking at them when they shot into there. I done said that a dozen times.

Q Mr. Cox, what do you know about the NAACP?

A I don't know a thing in the world about them. I know it's just dirty. That's all I know. The dirtiest thing—you want me to tell you the truth, don't you? That's the dirtiest thing you'd ever represent because they ain't no good to you and me and to nobody else. They ain't no good.

Q Why do you say that, Mr. Cox?

A I ain't ever—seen nothing good but seen people's houses burned up and burned up and people getting shot at and stuff like that. I don't appreciate nobody stirring nobody's families and including mine. I wouldn't stir your family by shooting in your house.

Q Did the NAACP have anything to do with shooting in your house?

A That's what they supposed to have had. They [13663] said they belongs to it so they had something to do with it.

Q Did you think that the NAACP was behind that?

A They said they belongs to it.

Q Do you believe that they were behind most of the trouble that happened in Claiborne County?

A Now I couldn't answer that because I don't know. I just say what they said.

Q What other things make you think it's a dirty organization?

A Well, because I ain't seen nothing good they done. The things they've done, there's been something wrong with all they did.

Q Would you like to see it go out of business?

A Who?

Q Would you like to see the NAACP go out of business?

A That's no concern—that don't concern me at all just so they don't confuse me.

Q Would you like for them to leave Claiborne County?

A I ain't got nothing to do with that. They can stay where they want to just so long they don't interfere with me. That's something—I can't tell you what to do. You're grown and it's a free country and everything. If they want to stay here, they can stay here, but just don't concern me and my family. That's all I got anything to do with.

* * * *

[13666] Q Did you ever tell Eddie Lee Wells that you knew he shot in your house?

A Never did.

Q You never spoke to him about it?

A I never said nothing to him.

Q Did you ever speak to W. L. Neal about it?

A I haven't told none of them.

Q You continue to see Eddie Lee Wells after that?

A I saw him a lot of times.

[13667] Q Standing in front of the stores?

A That's right.

Q Did he speak to you after that and say, "Don't go in some of these other stores."

A Not then he didn't.

Q Has he ever said don't go in a store after the cleaning incident?

A No more he ain't.

Q Do you know whether your wife, Mrs. Cox—Mrs. Susie B. Cox has been stopped by Eddie Lee Wells on any occasion other than at the O. K. Cleaners?

A That's all. That's the only one she's been stopped.

Q Was she stopped by anyone else as far as you know?

A Not as I knows. I haven't heard her say.

Q How old are your children, Mr. Cox?

A I've got one 22 and one 28 and I've got one 17.

Q Are any—have any of your children told you they were stopped from going in any stores?

A They ain't told me anything as far as up to this distance they ain't. I don't know what they will tell me.

Q It would be correct to say that other than O. K. Cleaners incident involving you and your wife, your family has not been stopped from trading wherever they wanted to trade?

A That's right.

* * * *

[Witness Susie B. Cox]

[DIRECT EXAMINATION]

* * * *

[13673] Q Did you stop trading with the white stores when the boycott was on?

A Well, if you want to hear the truth, I was scared.

Q Did you stop trading with them?

A I did. I didn't go in there but my husband [13674] never did stop going in there.

Q What were you scared of?

A Well, they had done beat up some colored people around there, and I had done heard about it. I didn't want nobody hitting on me.

Q Around where had you heard it?

A It was a fellow called Ball Martin.

Q Ball Martin?

A Yeah, he telled me that the NAACP had beatened him up for going in the white stores. He was on his way home, and said—they tell me when they get ready to beat you, they'll put some blind fold on you where you can't see who they's is.

Q Where did you hear this—

BY MR. WILSON:

Your Honor, at this point—

A Around there at Hermanville.

BY THE COURT:

Wait just a minute.

BY MR. WILSON:

We're going to have a standing objection on that according to hearsay and with regard to relevancy.

BY THE COURT:

Well, this is a totally different question from the one that you objected to before, Mr. Wilson. And if you're objecting to her testimony on the grounds of hearsay that somebody told her, then [13675] your objection is well taken and I'm going to sustain it.

* * * *

[13680] Q When Eddie Wells told you not to go in the store there—the cleaners, did he take any action as if he was going to harm you in any way?

A No, sir.

Q Do you know whether he did anything towards your husband in the way of a threat?

A No, sir, not as I knows of. They were working together down there at the mill, but after then a couple of [13681] nights later, somebody shot in our house.

Q Where were you when the shot went into your house?

A I was laying down in the bed. The head of my bed was just about in the door near about.

Q How many shots do you remember hearing that were shot?

A I was—when the first one shot, I was so scared until I don't know about no more.

Q Do you know what happened after that?

A My husband got up and went out there. He was going to get his gun because he left his gun in the pickup, and I don't know what happened then.

Q Was there anymore shooting after that?

A Yes, sir, I heard some shooting but I don't know who done the shooting.

Q Later on did you discover a bullet hole in your pickup?

A Yes, sir.

Q Where was the bullet hole? . .

A On the—right down there below the glass on the door.

Q There was a bullet hole in the door below the glass?

A Yes.

Q How many bullet holes did you discover in your husband's pickup truck?

A Well, one big old round hole was in the pickup, but there was a heap of little old sprinkle holes in my door.

* * * *

[13692] Q Do you know what Eddie Lee Wells' nickname is?

A Called him Hook.

Q Hook? Do you still live in the same house that got shot into?

A No, sir. I didn't stay in that house too long.

Q How come you moved?

A Well, one reason I moved was I had a better house to go in and then my mother was kind of scared for one thing.

[13693] Q Kind of scared of who?

A I don't know. You get somebody to come shoot in your house and see how you feel.

Q It frightened you when you got shot at?

A Sure. I'm already scared of a gun anyway.

Q Are you still scared?

A I ain't too brave.

Q You don't like to get shot at?
A No.

BY MR. SHELL:

Indulge me a moment.

(The hearing was recessed for lunch.)

BY MR. SHELL:

No further questions.

CROSS-EXAMINATION

BY MR. WILSON:

Q Mrs. Cox, I would like to go over some of the testimony you have given in answer to Mr. Shell's questions. First, I think you testified that you approached Eddie Lee Wells and asked him if it would be okay to go in that store since the boycott was back on; is that correct?
A That's right.
Q He didn't approach you; you went up to him?
A That's right.
Q And his answer to you was, "I wouldn't advise you to do it."
A That's right.
Q Did he say anything more to you?
A No. No more.
[13694] Q And that's when you returned and reported to him what had happened?
A That's right.
Q Did your husband then go to talk to Eddie Lee Wells and then go get the police chief?
A He went and got the police.
Q He didn't approach Eddie Lee Wells at all?
A Uh-uh.
Q I think you also testified that when the police chief and your husband got to the cleaners, Eddie Lee Wells was no where in sight; that he had walked on off?
A I didn't see him.

Q But you saw them when they went to the cleaners to get your coat?

A That's right.

Q Now with regard to the occasion when your home was shot into, Mrs. Cox, could you tell the court immediately after the shooting—the first shot, your husband went outside; is that correct?

A He didn't go out just as soon as the shot. He grabbed me and told me to get down first. And he got down and peeped through the window. I don't know whether he thought the person was in the yard or where he was, but anyway he did go out and got a gun.

Q How long after the first shot was fired before he went outside?

A I don't know. About three or four minutes.

Q And I think you testified that when you heard some shooting was when—after he went out?

[13695] A Uh-huh.

Q And how long was he outside the house?

A He wasn't out there too long.

Q And when he came back into the house, what happened?

A Nothing, but he got his gun and squat down to the window and said—he peeped out to see if he could see anybody.

Q Did you have any conversation?

A Me and my husband?

Q Yes, after he came back in the house?

A No. I was too scared.

Q When did you next talk about this—the following morning?

A No, because he got on up and went on to Port Gibson and got the sheriff and brought him out there.

Q Did he tell you that he had seen the people?

A Yeah, he said he had seen somebody.

Q Did he tell you he saw them?

A No, he didn't tell me who he saw.

Q Did he tell the sheriff who he saw?

A No, but he told the sheriff who he thought it was. He told him he saw somebody who he thought it was.

Q Now you mentioned something earlier, Mrs. Cox, about some kind of hearing where there was no judge present?

A That's right.

Q And nothing ever came of it. Will you tell us more about that?

A I don't know nothing else to tell other than [13696] what I said. I mean, nobody was there but Mr. Dan McCay and Eddie Lee Wells and myself and Johnny and two or three more people and a deputy sheriff.

Q Did the sheriff ask you questions?

A Uh-huh.

Q And asked your husband questions?

A Uh-huh.

Q Did he question Eddie Lee Wells?

A Uh-huh.

Q Did—

A I guess he questioned Eddie Lee. We left Eddie Lee there. When he questioned me and my husband, he told us he was through with us, and we went on to the house.

Q As far as you know, no charges were ever placed against Eddie Lee Wells?

A That's right.

Q At least you were not asked to come back to the courtroom like this to testify?

A No, sure wasn't.

Q Was W. L. Neal there?

A No, he wasn't there.

Q Other than this occasion when you approached Eddie Lee Wells and asked him about going into the stores, did you ever do that with anyone else—whether you could go in any of the stores?

A No.

Q Did anyone ever stop you from going into a store?

A No, because I never did go in there when the boycott was on.

[13697] Q Your testimony was that you were afraid?

A That's right.

Q Do you know—do you recall the names specifically of who said to you the people would beat you up if you went to the stores?

A No.

Q You just generally heard it from four or five people like you testified?

A That's right.

Q You don't recall their names?

A No.

Q Did you ever hear in the community that the NAACP was telling people in the community to be peaceful?

A No.

Q Did you ever hear about anything that went on at the NAACP meetings?

A Uh-uh.

Q Do you know anything about the organization of the NAACP?

A No more than what they said—the NAACP. That's all I know.

Q You don't know anything about what they stand for?

A No, I sure don't.

* * * *

[Witness Eddie Lewis]

* * * *

[DIRECT EXAMINATION]

* * * *

[13741] Q Before the boycott started, did you trade with the white stores there in Port Gibson?

A I've been trading with them for years. Waddy Abraham, I've been trading with him since he opened up a grocery store.

Q Waddy Abraham operates the Jitney Jungle?

A Yes, sir, the Jitney Jungle store.

Q Is that where you buy most of your groceries?

A Yes, sir, that's where I've been doing my trading, and I go there and buy my groceries, and if I didn't have no money, I would pay for it the first of the month.

Q After the boycott got started, did Mr. Rudy Shields tell you anything about the boycott and what you could and couldn't do?

A I met him on the street there. He told me—and I'd better stay out of them stores. And then I told him I'm a full grown man. I spend my money where I want to spend it.

Q When was this that he told you to stay out of the stores; do you recall the year?

A Well, it was when that boycott was going on.

Q Had it been going on very long when he told you that?

[13742] A It had been going on.

Q Some little while?

A Yes, sir, some little while.

Q Did you see Mr. Shields on the street from time to time when you'd go into town?

A No, sir, I ain't seen him but one time in my life.

Q And that was the time that you described to us?

A Yes, sir. He stopped me on the street and told me I'd better stay out of them stores. And I told him I'd spend my money where I wanted to spend it. I was a free man.

Q Had you been in a white store and come out of it when he told you that?

A Yes, sir.

Q Which store had you been into?

A I had went into Mike Ellis and Jitney Jungle.

Q Both of them?

A Yes, sir. I never did quit going in those stores.

Q Now did you have any problems with anybody about going into Mr. Smith's liquor store?

A Uh-huh. That was fact.

Q Tell us about that?

A I had a half pint of whiskey, and I went down to a cafe and decided on a table, and I got some cups, and then Fats—I thought he had come up there to get him a drink. He snatched the half pint of whiskey and went on [13743] across in the street and took my whiskey.

Q Did he say why he had taken it?

A He said because I had gotten it from the liquor store.

Q He said he took it from you because—

A Yeah, that's right.

Q What liquor store did you get it from?

A Mr. Smith was running the liquor store.

Q Smith a white man?

A Yes, sir, he's a white man.

Q Did you have any further discussion about that matter with Fats?

A Sir?

Q Did you have any further conversation with Fats about that?

A Uh-uh. No, sir.

Q Did he call you any names or ugly names?

A He said I was Uncle Tom.

Q Who told you that?

A Fats told me that.

Q Is Fats Alfred Lee Davis?

A Yes, sir. And he snatched the whiskey. He went on out—Uncle Tom at the liquor store, but I didn't have nothing for—I didn't have nothing to hit him with or fight him with, and I just let him went ahead on.

* * * *

[Witness James Gilmore]

[DIRECT EXAMINATION]

* * * *

[13704] Q Going back to the night on August 22, 1966, and about nine o'clock in the evening, who was sitting with you in this particular room of your house?

A There was my wife and my baby, and we always were sitting there.

Q What was your child's name?

A Allisa Ann Gilmore.

Q How old was Allisa Ann Gilmore on August 22, 1966?

A To be really exact, I really don't know. She was real young.

Q Was she less than two years old?

A I would say, yes, sir.

Q Now what happened on that night—did anything unusual happen?

A Yes, it was.

Q Tell the Court what happened to you on that [sic] [13705] A Well, as I recall, like I said, we were sitting there about ready to turn in for bed, and there was this automobile of some type—there was a squealing noise.

Q What kind of a noise was it? Tell the Court—

A I would say it was identical to something like somebody putting on brakes to keep from hitting something or it came to a stop too fast, because there was a squealing of tires.

Q What did you do when you heard this squealing of the tires?

A Well, my wife asked me to get up and see if I could see who it was—whether it was someone involved in an accident or something, so I did. I walked to the window, and so I taken a look and there was this car. It was a light green Chevrolet, I believe, with a white top—'59 model. And it had just about came to almost a direct stop, but it was still proceeding a little bit. There was this fork just to the left of my house—down below my house going south. The car pulled ahead and turned around in this fork—that was to the left travelling south. But it was still a stopped there and then it backed out and turned around and came back by and was driving real slow again.

Q By your house?

A Back by my house travelling north this time.

Q Driving in a northerly direct?

A After which the car went up which was a fork, I would say, well, couldn't have been over two or three hundred feet or maybe more just above going north, and then it pulled in the left fork and turned around and started back [13706] south. Only this time at more rapid speed which the car was speeding. All of a sudden it got along in front of the house and squealed brakes again and a blue flash came from the car. And when a blue flash came from the car, I just fell out in the floor.

Q What was the blue flash car—when you saw the blue flash, what did you do then?

A Well, I momentarily just hit the floor, and I yelled to my wife—I said, "Mary—

Q Slow down just a moment.

A I momentarily just fell out on the floor.

Q Did you say anything to your wife?

A Yes, I said, "Mary, hit the floor. Someone is shooting into my house."

Q And then when you hit the floor, what then did you do next?

A Well, I heard the car when it pulled off, it spinned its tires on takeoff. I said to my wife, "Give me my gun quick." So I only had on—

Q You said to your wife to give you your gun?

A Give me my shotgun, yes, sir.

Q How many guns did you have in your house?

A At that time I only had one.

Q And where was this gun?

A This shotgun always stayed in the corner by the head of my bed.

Q Was that in the same room?

A The same room that we were in.

Q Did she hand you your gun?

[13707] A She did.

Q What do you do then?

A I then grabbed up my kid with one arm, and she come with me—my wife. So once I got to the car, she asked me for the baby. I gave it to her. So there was this carport just beside me. Of course, I didn't have to go all the way across. And so we got into my car which was already turned around.

Q Let's get that straight. Your car was turned around with the front pointing to the highway?

A Pointing towards the highway, that's right.

Q Go ahead. Did you get into the car?

A We got into the car.

Q All three of you?

A All three of us.

Q What did you do then?

A I rushed as quickly as I could into the highway.

Q Did you catch up with this car?

A Yes, I did.

Q Which you described as a Chevrolet?

A Yes.

Q What year was that?

A I believe it was about 1959 model, I believe.

Q Was it a sedan or two door or what was it?

A Sedan as I recall now.

Q Four doors?

A Four doors, yes, sir.

Q Go ahead now. You were—which way did you [13708] travel when you turned on to the highway?

A I travelled south.

Q Was that in the direction that the car had taken when you saw it pulling out after the shot had been fired?

A Yes, it was.

Q Did you eventually catch up with the car?

A I did.

Q Were you north or south of Russum when you caught up with it?

A I would say I was maybe three miles south of Russum.

Q When you caught up with this car, did you see the license number of the car?

A Yes, sir, I could.

Q Do you recall what that license number was?

A No, sir, I don't now.

Q Did you recognize the Chevrolet as the car that you had seen from your window?

A Yes, sir.

Q What did you do when you caught up with him?

A Well, I just kept blowing my horn and also, I pulled up against them and tried to force them off the road. I did a little bit of everything to try to stop them.

Q Did they stop?

A Not at the present, no sir.

Q All right, now how long did you continue this activity down Highway 61?

A I would say at least a mile and a half or two [13709] miles.

Q Did you come then to another turn off in the road?

A Yes, I did.

Q What turn off was that?

A That was the road, I believe, leading into Alcorn A & M College. I don't know the name of this road, but it was a road.

Q Did you continue to blow your horn?

A Yes, sir, I did.

Q What happened then when you got to this turn off—what happened to this car when you got to this turn off?

A Well, finally after staying on my horn blowing and then pulling up against him, so the car finally came to a stop, and I was about a mile and a half approximately on this road that they turned off.

Q Did it come to a stop on the Alcorn road?

A Yes, sir, they did.

Q What did you do when the car stopped?

A I grabbed my gun immediately.

Q Did you come to a stop?
A Yes, sir.
Q You got your—
A Grabbed my shotgun, yes, sir.
Q What kind of a gun did you have?
A It was a double barrel, old model.
Q Shotgun?
A Yes, sir.
Q What was the gauge?
[13710] A 12 gauge.
Q What did you do then?
A I ran up to the car.
Q Which side of the car did you run up to?
A It was on the left side of the car—the driver's side.
Q Now when you ran up to the car, did your wife get out of the car?
A Yes, sir, she came out behind me.
Q When you got to the car, how many persons were in the car?
A There were six—three in the back and three in the front.
Q Did you recognize any of the occupants?
A Yes, sir, I did.
Q All right, who was driving the car?
A It was Elmo Jones Scott, I believe they call him.
Q Did you know Elmo J. Scott prior to having seen him that evening?
A Yes, sir, I had seen him—I had seen him a number of times in Port Gibson.
Q Now who else did you see in the car that you recognized?
A There was a guy there by the name of Calvin Bailey.
Q Calvin Bailey?
A Calvin Bailey.
Q Had you known Calvin Bailey before that evening?
[13711] A I had, yes, sir.

Q Where was Calvin Bailey sitting when you got up to the car?

A I believe as I recall right, Mr. Bailey was sitting directly in back on the left side behind the driver.

Q Behind the driver?

A Yes.

Q Did you recognize any other persons sitting in the car?

A There was another guy I recognized—James Bernard Whitney, I believe they called him.

Q Had you known him prior to that night?

A Yes, sir.

Q Now when you—where was he sitting?

A I believe he was sitting, if I recall right, on the right hand side in the rear, if I'm not mistaken.

Q Is that your best judgment?

A Yes, sir.

Q Now when you approached the car, did you have your gun?

A Yes, I did.

Q Did you say anything to them at the time you walked up to the car?

A No, sir, I didn't.

Q Did anyone in the car say anything to you?

A Yes, sir.

Q What did they say?

A There was one guy that said, "Man, ain't nobody shot in your house."

[13712] Q Had you asked them if they had shot in your house?

A No, I hadn't said nothing.

* * * *

[13725] Why didn't you observe the boycott?

A Well, I think basically my reasons were this, and only I would say when I had a dollar, I would go out and spend it at a place where if I didn't have a dollar,

I still could get what I wanted to. And that was basically my reasons for not observing it.

Q Are you saying that you would go to the Michael Smith's store and get credit whenever you needed it?

A Yes, sir.

Q Would you go to any of the black merchants in Claiborne County and get credit?

A Well, they were a possibility, but I had never had much dealing with them. I had never tried them, so I had been dealing with this guy ever since I reached manhood. So I had never changed. He had been good to me, and I tried to be good to him.

Q Did you try to make any effort to hide the fact that you were trading with one—Michael Smith?

A No, sir, I didn't.

Q What was the general knowledge of the community about the attitude of the members of the NAACP and the blacks who were observing the boycott?

[13726] BY MR. SANDERS:

We're going to object to that unless some predicate has been laid to show that he has some way of knowing the attitude of the NAACP.

BY THE COURT:

Yes, sir, I'm going to sustain that objection. I don't think that the proper predicate has been laid.

Q Did you have any knowledge that there—the blacks did not want other blacks trading with the white people?

A Well, I would say that the word had been around. I had been around town several times, and there had been talk.

Q Had you heard the talk?

A Yes, sir, I had—no more than among the people. That's all. Not anyone came to me and told me that, but I heard it from downtown.

Q What race of people did you hear talking about the NAACP and the blacks objecting to other blacks trading with the white people?

A It came basically from the blacks.

Q Where did you hear this general talk?

A Well, it was just mostly on the street. Just open conversation that people would be talking.

Q On the streets where?

A There in Port Gibson.

Q Was it generally talked on the streets or—

A I wouldn't say it was generally talked, but I had heard it two or three times around when I had been up there. [13727] Guys would be discussing this matter, and I would walk by. You couldn't help but hear anything but what was going on. So I knew that it was against their law to go in to those merchants and be trading.

Q Against whose law?

A Well, against the NAACP, I would say.

[13729] Q Did you hear the black people say in substance when you would be in Port Gibson with reference to the attitude of the NAACP and other black people about the blacks going into the white stores?

A Well, there was—

BY MR. SANDERS:

Object as being hearsay.

BY THE COURT:

No, I'm going to let him answer that question if he can answer it.

A That was a Friday evening, and I had returned off of my job, so I had a bill to pay. And as I was going into the Western Auto, there was a young man in front of me. So there was a lady and several others standing there, and they were all in a huddle. So—

Q Were they black or white?

A They were black. So when this young man started into the store, she called him. And I did hear her tell him,

"Young man, you know you're not supposed to go in there because it is boycotted." And "It's against our laws." That's the way she said it if I recall right.

* * * *

[13731] CROSS-EXAMINATION

BY MR. SANDERS:

Q Mr. Gilmore, did the Head Start program in Claiborne County have anything to do with the shooting in your house?

A Well, I would like to answer like this, not to my knowing anything about it did it have anything to do with it.

Q Did the NAACP as an organization have anything to do with it?

A No, sir, I don't believe so.

Q Did anyone other than the six people you saw in the car that night have anything to do with—other than the six people you saw in the car have anything to do with the shooting in your house?

A No.

Q Do you attribute that shooting in your house to anyone other than just those six?

A I would say the shots were either fired by one of the six men in that car which I knows it was.

* * * *

[Witness Willie Myles]

[DIRECT EXAMINATION]

* * * *

[13752] Q Did you ever receive any threats about the boycott?

A Well, somebody called my wife and told her they were going to burn my house down, and that she wouldn't have no job at the school.

Q Why is that?

A Because we didn't participate in the civil rights.

Q You didn't participate in the boycott?

A In the boycott, yes, sir.

Q How many times did your wife get threatening phone calls?

A She never mentioned it but one time.

* * * *

[13754] Q Were you ever stopped on a road by any black men?

A Yes, sir, I was coming from Le Tourneau and some stopped me and said they were going to whip me because I bought gas from the wrong place.

Q Where did you buy gas?

A Well, I bought gas where I've always been getting it on 61.

Q Where was that? Was that a white—

A No, sir, at a filling station. No, sir, it was white, but a colored boy was working there.

Q The man you bought gas from was a white man?

A Yes, sir.

Q What place was that?

A That was a filling station to the right coming out of Port Gibson on 61.

Q Do you know the man's name that owns it?

A Not right off, I don't know his name.

Q These men—where were they from?

A Well, they were right here in Port Gibson.

Q I mean, where were these men from that stopped you and told you that you bought gas in the wrong place?

A They were from Fayette. They were living down there towards Fayette somewhere.

Q Were they working at Le Tourneau's too?

[13755] A Yeah.

Q Do you know who they were?

A No, sir, I don't know them.

Q Had you ever talked to them before?

A Well, I might have talked to some of them there on the barge, I know. We pretty near worked together.

Q Had you been warned before that you might get whipped by trading with the wrong people?

A No, sir, that's the only—

Q Did some of your friends tell you you'd better be careful?

A I had some to tell me that I'd better watch because they were liable to burn my house up and things like that. I told them, "I won't be the first."

Q Was it generally known around Hermanville that something might happen to a black person who kept trading with the white merchants?

A Well, that's the way they were talking. Anything could have happened.

Q I mean, all the colored people around Hermanville knew that there may be some danger—

BY MR. SANDERS:

Object to a leading question.

BY THE COURT:

Sustained.

Q Did you know of any other black people in and around Hermanville and Claiborne County that knew about something might happen to them if they broke the boycott?

A Well, I imagine some of them was afraid, and [13756] when they would do these different things, something would happen.

Q Do you know a colored woman named Addie Speed?

A Yes, sir.

Q Did you ever have any conversation with her about the boycott and your name being called out in church?

A She told me once they had my name in the meetings about going in the stores.

Q Name at what meeting?

A At the civil rights meeting that they were having.

Q What do you mean by civil rights meeting?

A Well, they had a big church out—they had a big meeting in different churches, and she was—

Q Are you talking about the NAACP meetings—that's where your name was called out?

A Well, this was the civil rights people. They, you know, would have these meetings—just a big group of them going to church out there.

Q Do you mean the civil rights people or the NAACP or what?

A Well, I don't know whether they were all together or not but they would have a meeting every Tuesday night.

Q What church?

A I think it was First Baptist in Port Gibson or the Christian Church one. The one that they did the shooting in down there.

Q That's a colored Baptist Church on Orange [13757] Street?

A Yes, sir.

Q And Addie Speed told you that they had your name called out at the meeting?

A Yes, sir, she said they called my name in a meeting about going in the stores. I told her to let them call it.

Q How many of these men from Jefferson County—when they stopped you, what did you do?

A I got out of the car with my gun.

Q What kind of gun did you have?

A I had a 32-20.

Q Pistol?

A Yes, sir.

Q Did they have a gun or do you know?

A I don't know what they had, but when I got out, they took off and went on.

Q How many men were in that car?

A It was four or five of them in there.

* * * *

[CROSS-EXAMINATION]

* * * *

[13773] Q How did you know what these men in the car wanted with you?

A Well, see when I went in the store to get my groceries, when I came back out, I had my car parked at

[13774] bus station. And when I put my groceries in the car, a fellow that owned the bus station said, "Well, this old guy is going to get behind you."

Q Who is the fellow you're referring to?

A I'm trying to call his name now. He owns the bus station. He runs the bus station in Port Gibson.

Q Is he black or white?

A He's white.

Q Did you ever have any conversation with these fellows in the car?

A No, I didn't. I just see'd the car, and this man said, "Do you want me to call the law?" And I said, "No, I don't need no law."

Q And then when you left the station, what did you do? Did you drive away on the road?

A Sure did. He called the police anyway. And I was getting in my car, and they said, "We'll go toward the bridge," which I said, "Y'all can stay here." I said, "I'm not worrying about them bothering me, because I don't them and I ain't going to bother them. Nothing is going to bother me." I said, "If y'all stay here, you won't be involved in whatever happens."

Q Now what—did they stay there?

A No, they went towards the bridge and turned around.

Q Are you referring to the city police of Port Gibson or the county police?

A See, the city police said, "We can't go no further than the bridge." And I told them, "Well, I'll take [13775] care of myself." I said, "If anything occurs, they won't be saying y'all had no parts in it."

Q How far did you drive before you stopped?

A I drove about approximately two and a half or three miles.

Q All right, what car did you stop?

A See, they were ahead of me. And when they pulled off the road, I stopped a distance behind them and got out.

Q What do you mean when you say, you got out?

A Well, I didn't know what they were telling me to do or nothing. I was going to get out and I was going to stay until they came back and try to do what they wanted to do or try. When I got out with my gun, then they took off.

Q Do you know anything that they intended to do?

A I don't have no idea other than it must have been up to something another.

Q What made you think they were going to do something to you other than the conversation you had at the station?

A Well, quite naturally if you go get in your car now, I'm watching you or something, you're going to have some kind of suspicious ideas or something.

Q You were kind of suspicious of them?

A Well, as I said, when I came the fellow said, "They were watching my car."

Q Were you suspicious of them before this man [13776] at the station told you—

A No, I had no ideas or nothing. I just done parked my car and walked on and got my groceries, because I had to go right back to work.

Q How far behind this car were you when you stopped?

A I was a pretty good ways.

Q I don't know quite what pretty good ways is.

A I wasn't real close to them at all. Actually about the distance of a block and a half or two blocks.

Q Did anybody in the car have you get out of the car?

A They could see me when I got out because they pulled over and stopped, I knew it was the same car.

Q I'm saying, did they get out of the car?

A No, because when they pulled over and stopped, well, I stopped immediately, because I didn't want to get too close.

Q Did you fire a shot?

A No, I didn't.

Q Did you waive [sic] your gun?

A No, I didn't.

Q Do you know whether or not they saw your gun?

A Well, they must have seen something. They pulled off. I'm not saying that they did but they had been looking back.

Q And they did pull off?

A And they pulled off and went up the road not too far and they turned off the road. When I passed, [13777] they turned off and I never did see them no more.

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[13778] BY THE COURT:

Q Now you testified that these men in the car were going to whip you because you had bought gas in the wrong place.

A That's what I was told.

Q How do you—they didn't tell you that, did they?

A No, sir.

BY THE COURT:

That's all the questions I have. You can stand aside. You are excused. You can go on back to Port Gibson.

BY MR. GORE:

One thing further, Your Honor.

FURTHER REDIRECT EXAMINATION

BY MR. GORE:

Q Who was it that told you these men were going to whip you because you bought gas at the wrong place?

[13779] A It was a boy that was on the barge. He came to me and said, "You'd better watch it." He said, "Some boys said you bought gas at the wrong place, and said they were going to whip you going home."

Q You don't remember his name?

A No, sir, I don't know who the boy was but he come to me. And I said, "Well, I'm sure going home."

BY MR. GORE:

That's all.

BY MR. SANDERS:

If it please the Court.

FURTHER CROSS-EXAMINATION

BY MR. SANDERS:

Q When did this boy on the barge tell you?

A Well, he come to me—

Q Was this after or before you bought the gas?

A After I bought the gas that morning, I was on the barge. We had eaten dinner, and after we went back to work, he come and said, "You'd better watch yourself. The boys said they were going to whip you for buying gas at the wrong place."

Q Did you ask him how did he know about it?

A No, I didn't. All I told him was, "Well, they may." I said, "Tell them don't fail to do what they said."

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[Witness Jasper Coleman]

[DIRECT EXAMINATION]

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[13781] Q How old are you?

A Seventy-six.

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[13782] Q Prior to the time the NAACP put the boycott on the white merchants, did you trade with the white merchants in Claiborne County?

A I did.

Q After you heard that the NAACP had put the boycott on the white merchants, did you continue to trade with the white merchants?

A I did.

Q Did you ever stop trading with them at all because of the boycott?

A Not because of the boycott, no, sir.

Q Did you stop trading for any other reason?

A No, sir.

Q I'm going to ask you to recall on Christmas morning, 1966, did anything unusual happen to you or your property on that date?

[13783] A Something happened to my truck on that morning.

Q What kind of a truck did you have?

A Chevrolet—a 1934 Chevrolet.

Q Is that '34 or '64?

A That's '64 Chevrolet.

Q Was that a pickup truck?

A Pickup truck, yes, sir.

Q Tell the Court when you got up that Christmas morning, what condition—of your tires that—

A They were all four flat on the ground.

Q Did you examine those tires?

A I did.

Q Did you determine why they were sitting flat on the ground?

A It was stabbed with a knife.

Q Could you see the slashes in your tires?

A I did.

Q Do you know a man named Ike Turner?

A Ike Turner?

Q Yes.

A Yes, I know him.

Q Who is Ike Turner?

A He's Ike Turner.

Q Is he black or white?

A He's a colored man.

Q Did you have a conversation with him about why your tires were flat?

A Not at the present time. Not then.

Q Did you subsequently or after that?

[13784] A Later I did, we talked about it.

Q What did you learn was the reason that your tires were flat—that they had been slashed?

A Say, what was the reason?

Q Yes.

A I didn't know.

Q What did you learn was the cause——

A I learned when I went in the liquor store and come out with whiskey.

Q Whose store was that?

A Mr. Smith.

Q Is he white or black?

A White.

Q Well, had you gone in there?

A No, sir, I hadn't gone in there.

Q Did you observe the boycott or not?

A Did I go along with it?

Q Yes.

A Which way are you speaking of?

Q You didn't observe it, did you?

A Observed it how?

Q You didn't follow the black people in not trading with the—

A Oh, no, no, no.

Q Do you know Henry Gusta?

A Harry Gusta?

Q Harry Gusta?

A Yes, I know him. Me and him used to work together.

[13785] Q Where did you all work together?

A Oh, let's say—back in the fifties on up.

Q Where did you work?

A Carpenter work there in Port Gibson, Claiborne County.

Q Did you ever have a conversation with Harry Gusta about whether or not you ought to go in the Port Gibson Lumber Company or not?

A I never had a conversation with him, but he had stated that I'd better not go in there.

Q Harry Gusta said that?
A Yeah.

BY MR. SANDERS:

We're going to object. He just said he didn't have a conversation with him.

BY THE COURT:

I'm afraid that this man is confused on what a conversation is.

Q When did Harry Gusta say you'd better not go in—
A I can't recall at the present.
Q Did you hear him say it?
A How's that?
Q Did you hear him say it?
A Yeah, I heard him say it.
Q Where were you when you heard him say it?
A Oh, by the barber shop, I think I was.
Q What barber shop was that?
A Collins—Alexander Collins'.
[13786] Q Do you go in Collins' Barber Shop?
A I did.
Q Did you hear any of the conversation there in the barber shop about what would happen to black people if they traded with white people?
A Said, the boys would do whatever the spirit would tell them to do.

* * * *

[13788] Q What was the talk on the streets about whether or not blacks should trade with the white people?
A Said, the blacks better not trade with the whites.
Q Is that what they said on the streets?
A They said you couldn't go in there. It was boycotted.
Q Who said that?
A As I told you, Harry Gusta and I know another one was Walter Griffin. I know them two.

Q Why did they say you couldn't go in there?

[13789] A Said it was boycotted.

Q Who did they say was boycotting it?

A The whites.

Q Who did they say was boycotting the whites?

A Who did they say was boycotting them?

Q Yes.

A In—the NAACP, wasn't it?

Q The NAACP said—

A Something.

* * * *

Q Did anybody ever try to get you to join the NAACP?

A No, they just talked around. Said everybody ought to join it. I figured they had the wrong reasons was why I didn't join it.

Q Had the wrong what?

[13790] A Wrong reasons.

Q Who were their leaders?

A At that time Walter Griffin, Calvin Davis—Calvin Williams, and who else I don't know but I know they were on it.

Q Why did you think they were wrong?

A Well, they had the boycott on and Walter Griffin didn't want you to buy from a white filling station.

Q They didn't want you to buy gasoline from a white filling station?

A No.

Q Why not?

A Well, he bought it.

Q Who bought it?

A Walter Griffin.

Q But he didn't want you to?

A Didn't want me to, no.

Q Were you able to get materials to complete your job?

A Complete my job?

Q Yes.
A Yes, sir.
Q Did they try to keep you from getting the materials?
A No, sir. They said I'd better not go to no lumber company. I never did stop going.
Q Now who said that?
A It was folks on the street. I don't know who said it.
[13791] Q Did they tell you you'd better not go in—
A They spoke it in my presence.
Q And they were talking about you?
A I know they was.
Q Were they black people?
A Black people, yes, sir.
Q Did you know what would happen to you if you disobeyed them?
A Well, the fact about it, I didn't care at the time.
Q Did they make any threats to you?
A Not to me, no, sir.
Q Were you afraid?
A I was not. I was working for the white people.

• • • •

CROSS-EXAMINATION

BY MR. SANDERS:

Q Mr. Coleman, if I talk too softly for you to hear me, just speak out now.
A I will.
Q I want to go back to this Christmas day, 1966.
A How's that?
Q I want to back to the Christmas day on 1966?
A I see.
[13792] Q I want you to tell me a little bit more about what happened by answering some questions for me, all right?
A I will. I'll tell you what I know about it.

Q You will tell what you know?

A I'll tell you what I know.

Q You've taken an oath to tell the truth?

A Absolutely.

Q About what time in the morning did you get up and find that your truck had four flats on it?

A It was just about daylight.

Q Very—

A I wasn't at home.

Q Where were you?

A At Brisco Brown's house.

Q Had you spent the night at Brisco Brown's house?

A Well, we were sitting up there playing poker that night. And we played poker to broad open daytime, and I went out and my tires were flat.

Q Oh, you were in a poker game?

A I was in a poker game, yes.

Q So the truck wasn't at your house at all?

A Wasn't at my house.

Q Did you win or lose that night?

A Well, I don't know.

Q Did you win the money?

A I said, I don't know.

Q You don't remember whether you won or lost?

A I don't remember whether I won or lost.

[13793] Q And how many fellows were involved in this poker game?

A I don't know how many it was.

Q Give me your best judgment as to how many fellows were in and out of that poker game?

A I could just say several, but how many I don't know.

Q Okay. Were they coming and going all night long?

A Not all night. Just certain ones would get up and go and some of them were sitting around in there waiting for a good hand.

Q What time did you go to Brisco Brown's house and play poker?

A I don't know.

Q Was it in the early part of the night?

A No, it was in the night, I know.

Q Would you say it was before twelve o'clock midnight?

A Might have been. I wouldn't say for sure.

Q And did you get into the game when you went in?

A Not when I first got in, no.

Q About how long did you have to wait to get in the game?

A Oh, about an hour or something like that.

Q Did you stay in the game continuously after you got in?

A After I got in.

[13794] Q Did you go outside at any time during the night?

A Not never a time until I got ready to come in.

Q Were you with anyone that night?

A No. No one was with me. I was by myself.

Q After your tires were cut, and you saw that they were cut, what did you do?

A Well, there wasn't nothing for me to do but walk to the filling station.

Q Did you get them repaired?

A I did.

Q Did you talk with any of the fellows that had been involved in the poker game about your tires being cut?

A Well, quite naturally, I suppose.

Q Did any of them know anything about the tires?

A Didn't know anything about them.

Q Did anyone there tell you what had happened or that they had any suspicions or anything on how it happened?

A No, they didn't.

Q Was Ike Turner in the poker game?

A Oh, no.

Q When did you see Ike Turner?

A Oh, it might have been a week or two after that.

Q Where was he when you talked to him about your tires being cut?

A Up on the street, I guess was where it was.

[13795] Q Up on the street in downtown Port Gibson?

A In Port Gibson.

Q How did this conversation happen to come up between you and Ike Turner?

A I just told him about my tires.

Q Well, describe what happened? You met him and just told him that you had had all four of your—was it four tires or five?

A Four.

Q Your spare was not cut?

A No.

Q How did this conversation go between you and Ike Turner?

A Well, he was surprised when I told him about it.

Q And what did he say to you?

A He didn't say nothing at first. He said he was sorry of it.

Q How long did this conversation last there on the street?

A It didn't last too long, I don't guess. Just as a friend would be, you know.

Q Did Ike Turner tell you your tires had been cut because you had gone in the liquour store?

A After—lately he told me that.

Q When you say lately, when was that?

A Oh, it might have been two or three weeks after that after it happened. It might have been a month afterwards. I don't know.

[13796] Q Now this conversation that you had with Ike up on the street in Port Gibson, this was not the same conversation when he told you your tires had been cut because you had been in the liquour store?

A Well, when I told him my tires were cut, then lately he told me that someone said I went in the liquour store. That's why they cut the tires.

Q Oh, I see. Let me see if I understand you now. You said you told him about it, right?

A About my tires being cut?

Q Uh-huh. And then y'all parted company? And he came back later and told you that he had heard that?

A Uh-huh.

Q Did he tell you where he had heard it?

A No, he didn't tell me.

Q Did he ever tell you who told him that?

A He never would tell me who told him.

Q Did you ask him?

A I asked him.

Q He wouldn't tell you?

A He wouldn't tell me.

Q Is Ike Turner a friend of yours?

A Yes, sir.

Q Do you think Ike Turner cut them?

A I don't believe he did.

Q Now you said that you had not gone in the liquour store?

A I had not.

Q Did you trade with any merchants other than [13797] the Port Gibson Lumber Company during the boycott?

A That's where I bought all my lumber materials.

Q What about your groceries?

A I got some groceries from Piggly-Wiggly.

Q Uh-huh.

A I didn't get all of them there. I got some of them where I wanted.

Q Now did anybody other than Harry Gusta ever tell you not to trade with Piggly-Wiggly?

A Some persons with no names told me not to go in the white stores.

Q Were they talking to you? Jasper Coleman, when they said that to you?

A They were talking in a group. I was in the presence. They didn't personalize my name, you see.

Q Nobody said, "Jasper Coleman, you'd better not go in there."

A No, they didn't tell me that.

Q Were they saying no black people ought to go in the stores?

A You'd better not go in there. No black people allowed in there. You'd better not go in there.

Q When they say you, do they mean black people?

A That's what they meant.

Q Do you remember the names of any of these people that said you should go—

A I remember the names of two of them.

Q Is that Harry Gusta and—

A And Walter Griffin.

[13798] Q You said Walter Griffin would go in the stores himself, didn't you?

A He bought gas from a white station.

Q You just disregarded what he said because he wasn't preaching what he—practicing what he was—

A Right.

Q Did Harry Gusta ever threaten you?

A Never did. I haven't ever been threatened by no one, I don't think.

Q And has anybody ever threatened you with bodily harm about trading where you wanted to?

A What?

Q Has anybody ever threatened to harm you or hurt you by trading where you wanted to?

A Ain't nobody ever said nothing to me.

Q Now this conversation down at the barber shop, was this conversation with all the people in there?

A It was just talking floor talk there.

Q Just floor talk?

A Uh-huh.

Q It wasn't just somebody speaking to you, Jasper Coleman?

A I don't think it was.

Q Was it general talk around the community that black people should not go to any—the NAACP didn't want black people to go in the white stores?

A It was general talk.

Q These conversations that you had with Harry Gusta and Ike Turner and down at the barber shop, were these [13799] general conversations in the community?

A No, it wasn't no general conversation. That was between me and Ike because there was Ike and me and didn't nobody else know but me and Ike unless he told someone.

Q So your conversation with you and Ike was between you and Ike?

A Between me and Ike. But the rest of them were just out in the public.

Q Just street talk?

A That's right.

* * * *

[13803] Q Do you know anybody that has ever worked for Head Start?

A Yeah, I know one man that used to work for them.

Q Who's that?

A I reckon it's Head Start—Calvin Williams.

Q All right. Do you know when he started working for them?

A No, sir, I don't know.

Q You mentioned him as being one of the leaders of the NAACP?

A He was at one time.

Q You didn't approve of him as a leader?

A No, sir, I did not.

[13804] Q And that's why you didn't join?

A I just didn't have no mind to join because they said you couldn't work for the white folks. And you'd better not do this and you'd better not do that. And the white folks gives me all the work I was doing. Why would I want to join to cut my salary off.

Q This was when you were a carpenter?

A Yes, sir.

Q When did you stop being a carpenter?

A Oh, back in—I couldn't tell you. Back in the thirties.

Q Back in the thirties?

A Yes, sir.

Q Well, the employment you're talking about with the white people, is that carpenter work—is that what you're talking about?

A That's carpenter work, yes, sir.

* * * *

[Witness Marvin Hynum]

[DIRECT EXAMINATION]

* * * *

[13805] Q Where do you work right now?

A Parks Lumber Company in Port Gibson.

Q How long have you been at Parks Lumber Company?

A A little over one year.

Q Before you worked for Parks, were you employed by Sheriff Dan McCay in the Borden Milk operation?

A Yes, sir.

Q When were you employed by Sheriff Dan McCay?

[13806] A Well, it was—I started working for him, I guess, about April of '69.

Q What work were you doing while you were working for him?

A Well, I was driving his milk truck for him, and of course, taking care of all the orders and delivering all his milk.

Q Did you have a helper on the truck with you?

A Yes, sir.

Q What was his name?

A Johnny Shorter.

Q For the purpose of the record, Mr. Hynum, what is your race?

A Caucasian.

Q White?

A White.

Q And for the record also what is Johnny Shorter's race?

A He's Negro.

Q Member of the colored race?

A Member of the colored race.

* * * *

[13807] Q Tell the Court what occurred at Addison High School when you attempted to make a delivery there and there was an incident involving some damage to your truck?

A Well, it was—I guess, it was about in June—was about when it was.

BY THE COURT:

What year was this?

A Of '69. Johnny—it was just a normal day. We always would make our route to Addison at a time when they are in class. We try not to be over there ever in recess because, you know, it's just a lot more convenient for us. This particular day we drove up, and it was like any other particular day. I go inside and start filling the order, checking the boxes and making sure none of our

milk is sour. If any of it is, we replace it, of course. While Johnny starts getting all the milk out of the truck and getting it ready to bring it inside because it's always usually a standard order. But this particular day while I was inside, Johnny did come inside and told me there was a lot of people [13808] gathering up out there. So I went back out there and looked, and there was—I don't know, at that time there wasn't but about twenty or thirty out there. But they were still coming around the corners of the building. Just more and more people coming from everywhere.

Q What sort of people were these? What race of people were these?

A Black students. They were just coming all around the building there. So I asked the ladies there—the cooks—the dieticians—I asked them, what were they doing out of class. And they said, "They're not out of class." We thought maybe they had part of the day off or something. Finally Johnny came inside and told me, "Man, they're really hollering and getting it out there." I went back out there and was standing at the door. I didn't go outside. And they were—there were a lot of them hollering and just getting pretty rowdy out there. And it was obvious to me then that they were around there just because we were there. And unloading the milk—they were hollering things like, "Don't unload the milk, because we ain't going to drink it."

Q What else did they holler and say?

A At that time they didn't do anything. This lasted—well, we were there over two hours. And the longer we stayed there—see, at that time they were just hollering, "Don't unload the milk, because we ain't going to drink it." Well, we didn't care whether they drank the milk or not. We were just doing our job of unloading it. We had an obligation to unload the milk. And so we—after Johnny asked me what to do, I told him, "Well, we're going to have to unload [13809] the milk. That's all we can do. It's just do our job and unload the milk and get

out of here." So when Johnny started going ahead and bringing it on—he told me to just stay inside. He said, "You stay inside. I'll go get the milk." I always go out there and help him once I got the order filled out and the ticket signed. So Johnny told me, "You stay in here." And so that was fine with me. I didn't want to go out there anyway.

Q Were you afraid?

A Yes, sir. I was scared to death.

Q What was so frightening to you?

A Well, when I really started kind of getting scared was when Johnny started—went back outside and started bringing the milk in. The crowd got a lot rowdier than they had been when they were just hollering, "Don't take it in." And when they saw that we were definitely going to take the milk inside. And the whole atmosphere out there became pretty rowdy, and they started hollering things like, "You white SOB." You know, "don't take that milk in."

Q Did you hear them say that?

A Yes, sir, I went to the screen door looking at them. And they could see me. And so as I got to looking around, I was the only white SOB standing around there. And so that's when I started getting kind of scared. So anyway I started looking for a phone then because, you know, we definitely had—I was going to call Dan McCay, the Sheriff, to tell him about what was happening there. And I told Johnny, "You hurry up and get that milk in here." They didn't have a phone. They didn't have a phone anywhere in the [13810] building I was in. I figured out I would have to go outside to get to a phone over in the office. So I went back and got with Johnny over there, and he was still trying to bring the milk in when I went up to the door again to go back and see how Johnny was doing. It was when they were all up in the truck and on the dock and everything else then. And they—

Q They were inside the truck?

A Inside the truck, yes, sir.

Q Is that where the milk was kept?

A The milk was inside, up front, in the cab part and inside where the milk was kept. But now when Johnny would go out there, they would all run and get out of the way except just a few of them. One boy in particular was a kind of heavy set boy. I don't know what his name was—his first name was but I do know him—I do know his father. His father is Johnny Moore.

Q Johnny Moore?

A Johnny Moore, and I don't know his name. I guess he's a Moore too.

Q Is the boy in school or do you know?

A Then—I didn't know then. Since then, I've found out that he wasn't. Then I didn't know whether he was a student or not. I didn't know him personally. He kept getting in Johnny's way when Johnny would—Johnny would always bring in about five big stacks of milk at a time which is a pretty good load for Johnny on his two little wheel cart. And Johnny was bringing one of the big stacks back, and the boy would kind of get in front of him. And [13811] Johnny would roll it on in. It was beginning to get to Johnny. I guess he was pretty scared too. I don't know.

BY MR. CARTER:

I'll object to that, Your Honor.

BY THE COURT:

Objection is sustained.

BY MR. CARTER:

Move to be stricken.

BY THE COURT:

Motion is sustained.

A Johnny would lean the cartons of milk back to roll it inside, and the big boy would just kind of stand in front of him. He appeared to be keeping him from com-

ing inside. He wasn't putting his hands on Johnny in anyway. Johnny would roll them back inside, and finally just push his way on through and come inside. And Johnny told me that he—

BY MR. CARTER:

Objection, Your Honor.

BY THE COURT:

Wait just a moment.

BY MR. CARTER:

To what Johnny said.

BY THE COURT:

The objection is sustained.

Q You can't testify to what Johnny told you. You can testify to what you saw and what other people out there may have said in the yelling and that sort of thing.

A This happened two or three times. He had maybe [13812] five of these big stacks. It happened like three times. He would lean it back, and he would get in his way. And so finally Johnny leaned his milk back down and it scared me to death because I thought he was going to jump on him and fight him. And that's what I really didn't want to happen, because Johnny was the only one—if that happened, I couldn't go out there and do anything. I don't know whether I would have or not.

Q How big—

A I'm glad it didn't happen. But anyway Johnny didn't—

Q Wait just a minute now. How tall are you?

A Five five.

Q How much do you weigh?

A Now I weigh 180 lbs.

Q What did you weigh then?

A Then I weighed about 155.

Q Johnny's a pretty big man, isn't he?

A Yes, sir. He was a pretty big fellow.

Q How tall is Johnny?

A I'd say he should be about six three, six five. I don't know how tall.

Q He was a pretty big physical man?

A Right.

Q Go ahead.

A Anyway, Johnny leaned that down and he just didn't—he didn't put his hands on the big fellow at all. He just walked right up to him in his face and told him, "if you don't get out of my way, I'm going to choke the life out of [13813] you." He said, "Don't trip me. I'm just trying to do my job." He just tried to explain it to him. I don't know what all. He just told him right quick, "You just get out of my way. I'm just trying to get this milk delivered." He picked the milk back up, and we went ahead and unloaded our milk. Finally we got it inside, and we went on back outside to leave then. We were just ready to get on out of there. I had heard the air coming out of the tires. Johnny had been outside and checked, and sure enough we did have one of the tires had gone flat on us. So we said, we'll come out of here anyway just like it is. So we went out there and jumped in the truck and wasn't any keys in the truck.

Q Had you left the keys there?

A Yes, sir, I had left the keys in the truck. In fact, when I drove up there, there wasn't anybody out there. None of this was going on. So we went back inside, and I then decided I had to call somebody. And there were no grownups out there. There were no teachers, nobody at all that I could—I tried to get the women in there, you know, "Y'all do something to try to get them away from our truck." It didn't do any good at all. I just decided I had to go get the keys, so I went ahead and gritted my teeth and went over to the office.

Q Did you go through the crowd?

A No, sir, I didn't go through the crowd. The crowd was in the back of the cafeteria. I went out the side door. It was a lot of blacks around there but they weren't particular interested in me particular interested in me [sic] until they actually saw me come out there, but they still didn't—I went on over into the office over there. And of course, I [13814] asked them why wasn't some of them out there getting them out of my truck. I told them they had done got my keys, cut my tires and everything else. And I asked them why they weren't doing something. And I never could really get any kind of answer out of them at all. They were just kind of studdering around and saying they were going to do something and we're going to stop them. And I said, "I'm fixing to call the Sheriff," and they said, "No, don't call the Sheriff. We're going to straighten this out. We're going to get you out of here." So I just went ahead and walked on around behind the counter and picked up the phone. I called Dan.

Q Called who?

A Dan McCay, the Sheriff. And told him the situation out there. And he told me that he—I don't know whether I should tell you what he told me or not. Anyway he told me, he said, "I can't come over there." They were hollering—when I started leaving, they were partly hollering too to go get Dan. "Bring Dan over here."

Q Who did you understand Dan to be?

Q Dan McCay, the Sheriff.

Q Was he also the owner of the Borden Milk route?

A Yes, sir, he owned the franchise—the Borden's franchise. So they wanted Dan over there, and I told him, "Listen, Dan, they want you over here. Why don't you come over here and get me out of here. You're the one they want. They don't want me." And he told me, "If I did, he'd have to shut the whole school down probably," you know, to get it all straightened out. He said he didn't want to do that. He [13815] said, "First, I'm going to call Sullivan."

Q Who is Sullivan?

A C. V. Sullivan, the superintendent of education at that time.

Q Was the principal of the school there at all during this time?

A Well, I don't know the principal of the school, so I don't know whether he was there or not. There were some men in—when I went over to the office, there were men and women and all in there. There should have been a lot of teachers somewhere because they didn't have enough students in class. So he said that he was going to call the superintendent of education and get him over there to see if he couldn't get over there and get it straightened out. He said, "Then if they can't get it straightened out over there, then I'll have to come over there." He said, "You stay in the office. Don't you go back out there." I told him that Johnny was still out there, and he said, "Don't worry about Johnny. He'll be all right." He said, "You stay there." So C. V. Sullivan did come out there. He came to the office where I was. And he told me to come on out there and talk to them.

Q Is C. V. Sullivan a white man or colored man?

A White man. And of course, I didn't want to go out there with him. He told me to come on back over here where your truck is, and I'll get this thing straightened out and get your keys and you can go on and leave and get out of here. So I went on with him, and when we walked on back over there inside the cafeteria and right on out the [13816] back door out there. And when I stopped up on the dock there, he just walked right on out there in the middle of all of them, and they were all still out there. They got right in his face. They just told him he was a white SOB.

Q Did you hear that?

A Yes. I—he wasn't standing ten feet from me. And so they just hollered at him and everything and him trying to talk to them and trying to tell them to go home. "You don't have to go back to class, but just go somewhere. You don't belong here. You belong in class.

Either go to class or go home." Then he wasn't getting anything done. They weren't listening to him at all. They were just standing up in his face and hollering at him. And finally there was—well, there was a couple of men out there—black men came out there. And I took it that one of them was the principal, but like I said, I don't know who the principal was. But anyway, a couple of black men did come on out there and they talked to them and they just talked to them and told them how ashamed they was and what in the world were they thinking about and what were they doing there. And finally when they came out there and started talking, they just calmed right on down. They told them—they kind of backed away and everything and Dan had called Carl Boyd service station where we always have our truck worked on, and told them to send some people out there to—see, I had told Dan we didn't have no keys and we had a flat tire. After they got kind of calmed down, the service truck came on in there in a hurry and they were scared to death. And they straight wired our truck—just jumped it over or something. I don't know exactly [13817] what they did.

Q Did they repair your tires at the same time?

A No, sir, we come out of there with a flat. Once they got it cranked, we left. We just drove on out.

Q Is that a refrigerated truck or just a regular truck?

A It's the kind that you close and overnights freezes and then you just—the things stay frozen all day long.

Q You did get out of there with the help of a service station attendant?

A Yes, sir.

Q I show you a picture that has been identified as Exhibit C-12 and ask you if you recognize that individual there or the truck or does that bring back any memories or anything to you?

A Yeah, it does. This looks like my milk truck right there here on the left side, and this fellow right here is that fellow, Johnny Moore's son.

Q The one that was actively engaged in helping to try to stop Johnny?

A That's the big fat boy.

Q You definitely recognize that as the man who tried to stop you from delivering the milk?

A Yes, sir.

Q How long did you work for Sheriff McCay after this?

A A couple of days. See, what happened, my milk business just dropped in a hurry then. That same day that this happened—that we left this black school, we had [13818] another black school. We had the elementary black school out at Pattison, Mississippi. That's a little town about seven miles from Port Gibson. So when we drove out there,—when we drove up, one of the teachers came out and told us not to put out any milk because they weren't going to drink it. She said the kids just weren't going to drink it. We told them—we tried to explain to her we were just doing out [sic] job; we've got to put it out because we're under contract with these people, you know, to put milk out in these schools. And the Borden Company demands that we leave milk here. I said, "If y'all don't drink it, that's fine. If it spoils, we'll even have to come out here and replace it with fresh milk but we've just got to keep fresh milk out here." And they told us, "No, we're not going to let you put it here."

Q Who was this teacher; do you know?

A I don't know her either.

Q Was she a black teacher or a white teacher?

A Black. And so, I don't remember whether we put milk out there or not. I don't think we did. We finally just went ahead and left. When I came out from talking to her a little—little kids were all hand in hand—I guess about six of them dancing around our truck when we came back out. And they were singing songs like, "We ain't going to drink your milk because it's sour," and all this stuff and dancing around our truck.

Q Was the milk sour?

A No, sir.

Q Did you keep fresh milk there at all times?

A Every day. We always picked our milk up [13819] every morning. Any milk left in the truck is—don't costs us anything to give it back to the Borden Company because they make it good to us too. All our stores that we went to that day—all our black stores—but all our black stores that we went to that day—all of them told us not to come back anymore. And we told them, "What about the milk in your box?" And all of them said, "Well, just don't worry about it." Some of them said they had thrown it away. I had been willing to take it back and swap if it was spoiled or anything. Like I said, it didn't cost me anything to do that.

Q Did they say why they didn't want you to bring milk back?

A No, sir. What they did tell me was they did appreciate me not even parking in front of their store anymore. They said don't even come by and ask us anymore.

* * * *

[CROSS-EXAMINATION]

* * * *

[13824] Q Now at one point you said there weren't any adults out there.

A Right.

Q And then you later said that everybody was apparently big. Did you mean that they were just big high school kids?

A Right, they were just big high school kids.

Q There wasn't any adult leadership out there?

A Well, there were some what you called leaders out there that were doing most of the hollering—just some big guys up on the dock was one of the ones doing most of the hollering and all. And he was pretty big. Then I didn't know whether he was high school students, whether he belonged there or not. I didn't know who belonged there and who didn't.

Q But could you gather from the reaction of these students whether or not this was kind of a spontaneous thing?

A I really don't know. The way it was for a while there, it was like they were just kind of on recess and they were having a good time and standing around, like I say. And they were just hollering at us and just having fun with us, at first it seemed like—telling us, "Don't unload the milk because we ain't going to drink it." And we actually started unloading the milk is when the crowd turned a lot rougher. And all of them wasn't taking part in it. Like I say, even from the first it was just a few of them were taking [13825] part in it. And once a few of them started, then right there at the last when we started unloading the milk, they just all started raising cain.

* * * *

Q All the times that you have been delivering this milk from April to June, had this ever occurred before?

A No, sir.

* * * *

[Witness Johnny Shorter]

[DIRECT EXAMINATION]

* * * *

[13835] About how many students were there when you first started getting the milk out of the truck?

A Oh, it was a few, and then it started getting bigger.

Q How many is a few?

A About—few. It wounded up like two hundred or more, I expect.

Q When it first started out, was it maybe ten or fifteen?

A Yeah, something like that and it kept getting bigger and bigger.

Q Was anybody doing any cursing?

A Cursing.

Q Were they cursing you?
A Cursing Mr. Hynum.
Q What were they calling Mr. Hynum?
A Something dirty.
Q Did they call him white SB [sic]?
A Yes, sir.
Q Were these students little children or teenagers or—
A They were all sizes—teenagers, small ones.

* * * *

[13836] Q What else happened?
A They blocked the door, and I just kept rolling them in there, and I'd come out and get some more. They kept doing it, so—
Q How many were blocking the door?
A Oh, it was a bunch of kids around there up on the dock.
Q Were there any grownup people out there that weren't students?
A There was one there I know.
Q Who is he?
A I don't know his first name. I know his last name was Moore.
Q Moore?
A Yes.
Q Sort of a heavy set fellow?
A Yes, sir.
Q How old was he then?
A I really don't know, but I know he had been in the service and come out.
Q He was a grown man, wasn't he?
A Yes.
[13837] Q About how long had you known this fellow?
A I've known him practically all my life.
Q What's his daddy's name?
A Johnny Moore.
Q Do you know his mother's name?
A Yes, sir.

Q What's her name?
A Kathleen?
Q Kathleen?
A Yes.
Q Do you know whether he worked out there for the schools?
A As far as I know, he didn't.
Q Do you know what he was doing out there?
A Sure don't.
Q Where was he working?
A I really don't know where he was working during that time.
Q How long had he been out of the service?
A Three or four months, I'd say.
Q What did he say to you, if anything?
A He said he wasn't going to drink the milk.
Q Huh?
A He said they weren't going to drink the milk. So I didn't say anything to him. I just kept doing what I was doing and that's all.
Q About how big a man is he?
A He weighed 250 or 260, something like that.

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[13840] Q Did anything happen to the truck?
A They punctured the tire.
Q Punctured the tire?
A Yes.
Q Which tire did they puncture?
A The back.
Q Was that a big—
A A big tire.
Q Is that a pretty good size—what you call a bobtail van?
A Yeah, something.
Q After the crowd got quieted down, did they disburse?
A They finally moved on out.

• • • •

[13847] Q Do you know why the students out at Addison were mad at Mr. Hynum? Do you know why—I guess they were mad at you too, weren't they?

A I don't know.

Q They were cursing him?

A They were cursing him.

Q Did they say anything about Sheriff McCay—that they had some grudge against him?

A They had a grudge against him.

Q Were they asking for Mr. McCay to come out there too?

A That's what they were yelling about.

Q What were they yelling about Sheriff McCay?

A About go get him or send for him or something.

Q They wanted Sheriff McCay?

A That's what they were saying.

Q Do you know why they wanted him to come out there?

A No.

Q Do you know whether they were mad at Sheriff McCay and Mr. Hynum because they were white or for what reason?

A I don't know.

• • • •

[CROSS-EXAMINATION]

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[13859] Q During the time that you worked for Dan McKay, did anybody ever threaten you?

A Didn't anybody ever threaten me.

• • • •

[Witness Emerson Davis]

[DIRECT EXAMINATION]

• • • •

[13867] Q Some of the blacks called you uncle tom?

A That's all that would do it was the blacks.

[13868] Q Before you refused to go along with the boycott, did they call you uncle tom?

A That's right.

Q Before that, did they call you—

A Before that and after that too.

Q Did they always call you uncle tom?

A That's right.

Q Why is that?

A All I can say is that I was going in the stores doing what I wanted to do, and they didn't want me to do it.

Q Do you know Jimmy Ellis?

A I reckon I do.

Q Tell the Court what Jimmy Ellis and Rudolph Shields and the two other people did to you?

A They grabbed me and beat me up and took a gun off of me, took a dollar and a pocketknife too.

Q Did you remember about when that was?

A No, but it was on a Monday morning.

Q Was that the same year that the boycotted started?

A Same year, but it was kind of in the fall of the year like in hay gathering time. I was down there to see William Thomas about hauling some hay for Mr. Robert Hynum, and I had my back turned towards the street and that gave them a chance to slip across and grab me all at once.

Q Who grabbed you?

A Shields first grabbed a whole of me. Then the Ellis boy come and got me from behind around the waist [13689] and carried me right on back down, and that's all I could do. One had my—each one had a whole of me—all four of them. One at my waist, one had my leg and one had a side.

Q You recognized Jimmy Ellis and Rudolph Shields. Did you recognize the other two?

A I would might know them if I would see them. They were lighter than Jimmy Ellis and Shields. It was two light fellows and two smaller fellows.

Q Where did they carry you?

A Right down on the streets on the corner of Nigger street they call it. I don't know the name of the street.

Q Is that a street in Port Gibson?

A In Port Gibson.

Q What did they do to you when they attacked?

A Shields kicked me twice. The other boy just helped them and took my gun and knife and dollar.

Q Did you ever get your gun and dollar and knife?

A Never get anything.

Q Did they say anything to you when they were attacking you?

A Shields said I was trying to break up his damn boycott. That's all he said. The other boys didn't say any words. Shields is the one that did the talking.

Q Now tell the Court again what Shields said?

A Said I was trying to break up his damn boycott.

Q Well, did you say anything about it?

A No, I didn't say a thing about it.

Q Did you report this incident?

A I reported it when it was first done. I started [13870] to the Sheriff, and I met two road patrol. I don't know who they was. They carried me on back down there to try to catch up with the boys. Then they called the Sheriff afterwards.

Q Now on this occasion where they followed you down to Mr. Rollins, do you recognize anyone who was following you on that occasion?

A Shields started to get out at the red light, and come over there and grab me and pulled me out of the car and I had my shotgun and he wouldn't get out. He put his foot on the ground when he put it back in the car. And then he got behind and said he was going to get me. And so he did that following—that following Monday is when they grabbed me.

Q Did you ever see any black people on the streets with walkie talkies?

A Oh, yes, I seen them quite often.

Q What did—did you hear them saying anything to each other?

A No, sir, I didn't hear them. I could just see them having a walkie talkie, but I wouldn't know what they would be saying.

Q Did you see any persons on the streets wearing black hats?

A I seen a plenty of them.

Q Do you know Bernard Gusta?

A Yes, sir, I know him well.

Q Did you ever have any difficulty with Bernard Gusta?

[13871] A Oh, he told me once to stay out of Mrs. Rosa Lee's store and then never said no more to me.

Q Who is Mrs. Rosa Lee?

A Mrs. Rosa Lee Ellis.

Q Did he say why he wanted you to stay out of the Mrs. Rosa Lee Ellis' store?

A He told me I knowed it was boycotted, and I had no business in there.

Q Did you stay out?

A No, sir, I did not.

Q Do you know a black man by the name of Plutie?

A Yes, sir.

Q Did you ever have any problems with Plutie?

A No, sir, I didn't have no problem with him.

Q Did he ever—did you ever see him around with Shields, Bernard Gusta?

A Plutie had his own crew. They were all up on the streets that Saturday. There were about three deep and in five or six different places. And when Mr. Jones and Mr. McFatter, and I can't call that little ole boy's name,—He's Guthrie Davis' grandson—they all had a round up there, and I walked over to see what was the matter. So many folks were standing around. And I asked what was the trouble, and James Fuller told me it was nigger business and wasn't no white folks business. I told him it was anybody's business when they blocked the streets. They didn't have no business blockading the sidewalk.

Q Well, did you see any black people block any of the sidewalks?

[13872] A That's all they were doing—black folks. They only way to get around was get out in the streets and go around.

Q Why were they blocking the sidewalks; do you know?

A I don't understand it. I had shoot one the same evening.

Q Who did you shoot that evening?

A William Holmes' boy.

Q What did William Holmes' boy—

A He started on me with a knife. Shields sent him up there to grab me and hold me until they get there. He was standing on the corner of Frishman's.

Q Standing on the corner by Frishman's Store?

A Frishman's Store. That's where Shields was standing. And I was out there at People's store.

Q Is that on the street in Port Gibson?

A Right on Main Street.

Q What did Holmes do to you on that day?

A He started on with me with a knife, and I told him to get back. And he didn't do it and I shot him. I just graised him in the side, and he went on upstairs and fell. He told the police he fell to keep me from shooting him anymore.

• • • •

[13873] Q Do you know Calvin Bailey?

A Yes, sir, I know him.

Q Did you ever have any difficulty with Calvin Bailey?

A No, sir, Calvin never did bother with me.

Q Did you ever see him around on the—

A He walked the streets all day long. That's his job.

[13874] Q What kind of job did he have?

A He was supposed to watch the stores. Keep them out of the stores. He was a Black Hat man. He was supposed to beat them up.

• • • •

[13875] Q Do you have an automobile?

A Yes.

Q Did you have one in June or July of 1966?

A Yes, sir, I had a station wagon.

Q Did anything unusual happen to that station wagon during that time?

A Yes, they broke a windshield all out of it and I don't know but they must have put Elmer's dust in it or something. It grinded the motor all up in it. It wasn't sugar.

Q Has that ever happened to you before?

A No, sir, it ain't never happened.

Q Hasn't happened to you since?

A No, sir.

Q Do you know a man by the name of Will Parker?

A Yes, sir, I started working for him.

Q Is Will Parker black or white?

A He's black. I started to work for him repairing his house—his gallery and Collins called him and told him to get rid of me. If he didn't, he'd burn his house down.

Q Did they get rid of you?

A Yes, sir. I had to leave.

* * * *

[13877] Q Do you know a man by the name of James Bailey?

A Yes, sir, I know him.

Q Did you ever have any difficulty with James Bailey during the period of the boycott?

A Yes, sir, I had trouble out of him. He wanted to kill me one evening.

Q Tell the Court about the circumstances of James Bailey's problems with you?

A Well, I was coming from work—me and my boy one evening. He was there in front of me. And I drove by and passed by and went on up the hill. When I stopped at the red light, well, he drove on around me and commenced to cussing me about what he was going to do to me. And I told him, "No, I wasn't hunting no trouble.

I didn't want to hurt him, and I wasn't going to let him hurt me."

Q Why was he cussing you?

A Because I pulled out in front of him. He was a civil rights worker, and he wanted to get up a rowl. He didn't know how to start it.

Q What did he say to you?

A Oh, he cussed me a lot, and told me I ought to blow my damn brains out. First one thing and another like that. I just drove on off and got the policeman for him.

* * * *

[13905] Q Did you ever have any difficulty with James Bailey?

A Oh, man, yes.

Q Tell the Court what difficulty you had with James Bailey? What did he do to you?

A Well, I had to put the law on him. He was talking about killing me.

Q Why was he going to kill you?

A Well, I pulled in front of him and come on and wouldn't wait there until he got ready to move. That's all. He drove right in front of me and stopped, and I pulled on around him and kept a going.

Q What did he do then?

A He come on back and got in front of me and I got up on top of the hill by Rosa Lee's store.

BY MR. SANDERS:

I hate to cut it off here but I think we've already heard this.

BY THE COURT:

I think we've heard this testimony, Mr. Pyles.

BY MR. PYLES:

I agree.

Q Is that the only problem you've ever had with him?
[13906] A That's the only one.

* * * *

[CROSS-EXAMINATION]

* * * *

[13923] Q You also testified that they broke the window on your station wagon?

A On what?

Q On your station wagon?

A Somebody—I didn't say who done it. I was sitting at my house. It was at night. It was three of them because they knocked three holes in the windshield all at the same time and the concrete fell upon my porch.

Q There was three of them?

A Because one man couldn't have thrown them three rocks all at the one shot and got out of the way that quick. They knocked it plum out. I don't know who they was. It was at night, and I never did get a chance to see them.

Q You reported it to the Sheriff?

A No, I did not report it to the Sheriff. I reported it to the policeman.

Q Was Mr. Porter the police chief there?

A Mr. Doyle.

Q Mr. who?

A Mr. Doyle.

[13924] Q Did anybody get arrested?

A No, because they didn't know who to arrest. I couldn't see who it was. I didn't know who it was.

Q Did anybody get arrested when the five men jumped on you and beat you up?

A Shields got arrested.

Q Do you know what happened? Was he convicted? Did they try him; put him in jail?

A Yeah, they put him in jail. Yeah, they put him in jail.

Q Did you testify at his trial?

A Sure I did.

Q How much time did he do?
A What?
Q How much time did he get?
A I don't know.
Q When Bailey and you got in an argument, did the police come then?
A That's right.
Q Did he get arrested?
A Sure he got arrested.
Q What for?
A For meddling with me and I reported it to them.
Q You did what?
A I reported it to the police. I went and got the police for him.
Q Did they put him in jail because he—

BY MR. PYLES:

I'm going to object to that—the form [13925] of that question. Every public official is presumed to do his duty.

BY THE COURT:

Well, not only that but every citizen has a right to make a complaint, Mr. Carter.

BY MR. CARTER.

I'm not questioning that, Your Honor.

Q Did he get arrested?

BY MR. PYLES:

I'm going to object to that as being repetitious. He testified he was arrested.

BY THE COURT:

Wait a minute.

Q Was he arrested?
A Yeah, I told you he was arrested and was tried too.

Q And you said there wasn't any fight? He was just cussing at you?

A That's right. He was talking about blowing my brains out, and my son was right there sitting and listening to him.

Q Mr. Davis, were you charged with shooting Mr. Holmes?

A Nope.

Q Were you arrested?

A Yep.

Q Did you make bond?

A Three hundred dollars I believe it was.

[13926] Q What happened?

A After Holmes said he had admitted it and starved himself, that's what happened. Holmes cleared me his own self.

Q What did he tell the judge or whoever it was?

A He told them he started it first.

Q How long have you known Alexander Collins?

A I don't know. A pretty good while. I know when he worked there at Bo Watson's shop. That's when I first knowed him.

Q Was that when you first came to Port Gibson?

A No, not when I first came to Port Gibson, I don't believe. It was up some time. I've been knowing him a pretty good while.

Q Did you know him when the NAACP started in Port Gibson?

A I knowed him before then.

Q Before then. Were you friends before that?

A Just as good as any you'd want to see.

Q What happened?

A He fell out with me. He fell out with me because I went into the white folks stores. That's what happened.

Q You worked for Will Parker too, you said. What did you do for—

A I started to work for Will Parker.

Q What did you do for Will Parker?

A I started some carpenter work.

Q Collins cut it out?

[13927] A He called Will Parker and told him to get rid of me. Now that's what Will Parker come out there and told me his own self after he answered the telephone. And Will Parker got up and walked to Collins Barber Shop and come back. I said, "Are you making it all right?" And he said, "No." He said, "Collins told me it'd be best if I'd get rid of you." And there are some man's in Port Gibson that will tell you the same thing. And Mr. Mance in Port Gibson will tell you the same thing. Mance Thompson will tell you the same thing because I got him to go—

Q Who's that?

A Mance Thompson.

Q Thompson? How do you spell that?

A He's named for another thing, but we call him Mance. He's named another name. I just can't think of it right now. Leon Thompson.

Q Leon Thompson?

A Yes.

Q Now you say Collins called your name out at the NAACP meeting?

A Called my name?

Q For violating the boycott?

A That's what they tell me. I wouldn't know. One of the various members told me.

Q What about this Kings you were living with?

A Said what?

Q You said you were living with Kings?

A I rent the house from Kings.

Q And they told you you had to leave?

[13928] A Yeah, they told me I had to leave.

Q Did they give you a reason for leaving?

A No.

Q How did you know it was Collins?

A King told me that he told these other folks that it was Collins that was making me move. He even told the police he was going to pay King the rent, and he said no. He didn't want me down there.

Q The police were going to pay the rent?

A I don't know what that police's name was. He was a policeman.

Q They were going to pay your rent for you?

A He told me if I owed them any rent he would pay it.

Q Did you owe him some money?

A No, I didn't owe him any money.

Q Why would he pay your rent?

A I said, the man said if I owed him any rent,—I went and told him I've got to move. I said, "I ain't got nowhere to move right now."

Q The man was going to pay your rent, and you don't even know his name?

A No, I don't know his name. So he told King that he would pay the rent if I owed him any rent. See, he said, "He don't owe me. I just don't need him down there."

Q That's what he told Porter? He didn't mention anything about Collins, did he?

A Not to me. I just can't hear everything, because there are some things they just ain't going to tell [13929] me. Just like Collins told my son-in-law. He wouldn't tell me, but he would tell my son-in-law.

BY MR. PYLES:

Your Honor, I object to the previous question. I don't believe he testified that the police paid his rent.

BY THE COURT:

I was a little bit confused on that. Suppose you try to unravel that a little bit. I'm confused too. Try to find out what he did say.

Q Did you say the police offered to pay your rent?

A They told King if they'd let me stay there, he would pay the rent if I didn't pay him. King said, "He don't

owe me nothing. I just don't want him down there." Do you get what I'm saying now?

Q Now will you tell me, please, why the police would pay your rent?

A There's a lot of folks that do things for me. What's wrong with that?

Q Here's a man you say you don't even know his name?

A I didn't know him, but he knowed me. But I didn't know him. Right now he speaks to me. I don't know him now. He stays up there by the crossroads.

Q Did you ever have an occasion to ask him for money on other occasions?

A I haven't asked him for none at all.

[13930] Q He just volunteered this?

A He told King—he didn't tell me this. He told King. I've been knowing a white fellow not long ago, he—just about three months ago. My motor was in the shop, and I was telling him that my motor was in the shop and I didn't have $50. He hauled off and let me have that $50. I didn't even ask him for it.

Q Is he a policeman?

A No, he wasn't no policeman, I don't think.

Q Mr. Davis, the altercation that you had with James Bailey after—did that have anything to do with the boycott?

A Uh-huh.

Q How?

A James Bailey is one of them black hat men. He was the—that spies for the store. And I did not hide from them. I went inside the store just like I go in there now, and like I've been going in there all my life. Because I figure I was paying for what I was getting, and there wasn't no reason for me slipping and sliding and telling them white folks stuff on the road like a lot of folks done.

Q Where did you hear the term black hat?

A Well, that's what they all call them down home, the black hats because they wear big old wide black hats. They call them black hat boys.

* * * *

[13931] Q Did you see any black hats?

A Now listen, if I'm going in the stores and you're hollering, "Don't go in there,"—I ain't got no business going in there, what are you doing? Are you watching or not?

Q I didn't ask you—I just asked you if there were any black hats in the picture?

A They ain't got their hats on. But they started [13932] at first and didn't have them. And then started wearing them black hats. They're still wearing them—some of them. No, they ain't go no black hats on there. But they sure wears them.

Q When did they start wearing the black hats?

A I don't know.

Q When did they quit?

A You go to town now and see if you don't see some of them wearing black hats now.

Q Is the boycott still going on?

A I don't know what's going on.

Q Well, the black hats didn't have anything to do with the boycott if they're still wearing black hats?

A That's because they're the bad men. I don't know what it was. They used to wear their hair all down under their feets. They wear it all under their feets. Now what's that for?

Q But to you that black hat has some significance? You didn't know what, but it had some significance?

A Not for me, because nothing makes no difference to me about what they do. As long as they don't bother me, they can wear whatever hat they want to wear.

Q It doesn't make any difference?

A It don't make any difference. As long as a person don't bother me, I ain't got no use for what he do.

* * * *

[13936] Q Did you go in the stores?

A I went in the stores.

Q What did you buy?

A I couldn't tell you what all I bought. I buy my groceries. I buy what I need.

Q Do you buy them all at one place?

A No, I did not. I don't ever buy all in one place. I may buy some in Vicksburg, some in Port Gibson or wherever I be.

Q When you would go to town, you saw them watching the stores. Would you go from one store to another or did you just go in one store and make a purchase?

A I go in any store I wanted to go in.

Q And sometimes that would be more than one?

A That's right. Sometimes it may be three or four I'd go into.

Q And would you buy anything other than groceries?

A Yeah.

Q Like what?

A Anything I wanted.

Q What did you want?

A I can't tell you what all I want. Just anything I wanted to buy, I bought it. Now that's all I can answer. If I see a hat I wanted, I bought it. If I see paints I want, I bought it.

Q Black hats?

A No. I don't wear them at all. Don't like no black hats. Never did.

Q When Bernard Gusta told you to stay out of [13937] Robert Lee Ellis' store, did he tell you—did he threaten you or did he just tell you——

A He told me I should know that store was boycotted, and I didn't have no business in there. That's what he told me.

Q What did you do?

A Went in there when I get ready.

Q Did you say anything to him?

A I told him I'd go in there when I'd get ready and wanted to.

Q And what did he say to that?
A He said, no more.
Q Just walked on off?
A No, I walked away from him.

* * * *

[13979] Q Who do you trade with for groceries?
A Rosa Lee—
Q Give the name of the store?
A Rosa Lee—I'm giving you the name of the store [13980] now. Piggly-Wiggly, and I trade there with Mr. Joe Ellis and Rosa Lee Abraham.
Q Do you trade with Claiborne Hardware Company?
A Yeah.
Q Still do?
A Yep.
Q On a cash or credit basis?
A On both, cash and credit.
Q How long have you been trading with Claiborne Hardware?
A Oh, about 20 or 25 or 30 years.
Q Do you do business with McDaniel Pharmacy?
A Yeah.
Q How long did you trade with them?
A Ever since I've been back in Port Gibson.
Q How long has that been?
A A year or two, I reckon.
Q Beg your pardon.
A About a year or two, I think.
Q You've been trading with McDaniel's Pharmacy about a year or two? Are you saying—you said that since McDaniel's been back in Port Gibson, not since you've been back; is that correct?
A Since he moved back in town, I've been trading with him since he opened up.
Q Did you trade with him before he left?
A Yep.
Q Do you do business with the Hudson Brothers?
A Uh-huh.

[13981] Q Do you do any business in their gift shop?

A Whose gift shop?

Q Hudson Brothers has a place called Hudson's Gift Shop in Port Gibson?

A I don't know nothing about the gift shop. All I do business with is up at the Hudson's Grocery Store.

Q You do business with—

A And Piggly Wiggly.

Q Do you do business with Waddy Abraham?

A Well, I trades there too.

Q That's Jitney-Jungle, is that right?

A That' right.

Q Do you trade with Louis Ellis?

A No.

Q Is he dead?

A I traded with Mr. Mike, but Mr. Mike's dead.

Q What business did Michael Ellis run?

A Dry good store.

Q Do you still trade in that store?

A No.

Q Why did you stop?

A I just stopped.

Q When did you stop?

A When Mr. Mike died.

Q Do you know Mr. Joe Ellis?

A Yep.

Q Do you trade with him?

A I trade there in his store. That's Mrs. Josephine Ellis' store.

[13982] Q That's whose store?

A Yeah.

Q Do you get your groceries from any particular store or do you get it from—

A Piggly-Wiggly. Piggly-Wiggly.

Q Do you trade mostly with Piggly-Wiggly?

A That's my main grocery store. Piggly-Wiggly is my grocery store.

Q Do you have credit there?

A Yeah, I 've got credit there.

Q Do you trade at business in Port Gibson called Abe's Betty Jean?

A No.

Q Are you familiar with it?

A Yeah.

Q Have you ever traded at Mack's Package Liquour Store?

A Don't got no business going in there.

Q Do you drink?

A Nope.

Q Do you trade with Ellis Variety Store?

A Ellis Variety Store?

Q Uh-huh.

A Don't know that store. You'll have to call it something else where I'll know.

Q Do you know Barbara Ellis? Do you know Norman Ellis?

A Oh—I don't trade in that store.

Q Do you trade at O. K. Cleaners?

A Uh-huh.

[13983] Q Do you trade at M & M Super Store?

A No, I don't trade there.

Q Have you ever used the washateria?

A Yeah, I use the washateria.

Q At the one near M & M?

A No, right there behind Jitney Jungle.

Q Do you trade with Port Gibson Lumber & Supply Company?

A Yeah.

Q Do you trade with Western Auto Associate Store?

A Yeah.

Q Do you trade at Auto-Lec?

A Yeah.

Q Do you trade at A & P Service & Parts Company?

A No.

Q Do you trade at Jones Five 'N Ten?

A Who?

Q Jones Five 'N Ten? They're out of business now?

A I used to when they were in business, but they ain't in no business now.

Q Do you trade with Allen Motor Company?

A Yes.

Q Do you trade with Donald Segrest Ford Corporation?

A Who?

Q Donald Ford Company down there?

A Yeah.

[13984] Q What kind of car do you drive?

A A '65 Chevrolet pickup.

Q Did you know Mrs. Edgar McCaa who had a business called the Town and Country?

A Who?

Q Edgar McCaa? Mrs. Edgar McCaa?

A No.

Q Do you know a business down there called Town and Country?

A No, I don't know no business.

Q Did you trade with all these merchants I just mentioned to you during the boycott? Those that you said that you do business with?

A Yeah, all of them pretty much.

Q Did anyone ever tell you to stay our [sic] of anyone of these particular stores?

A Yeah, I told you Bernard Gusta told me to stay out of Mrs. Rosa Lee's store.

Q Other than Bernard Gusta telling you to stay out of Mrs. Rosa Lee's store, did anybody else tell you to stay out of any of those other stores?

A No more than Shields.

Q Did Bernard Gusta ever block your path to keep you from going in a store?

A No.

Q He just told you—

A He just told me to stay out of those stores during the boycott.

Q I believe you testified that you told him [13985] you would trade where you wanted?

A That's the truth.

Q Did that happen more than once?

A No, he never bothered me no more.

Q When someone would tell you you shouldn't go in a store, is that what you call bothering you or having difficulty with?

A Yeah.

Q Why do you acquaint the black hat men with the NAACP?

A What do I which?

Q What do you think that the black—do you think that the black hat men and the NAACP are the same?

A I just did. Isn't the NAACP and the boycott all the same?

Q I asked you, do you think that the black hat men and the NAACP are the same?

A Yeah, I think they're all the same.

Q Why do you think they are—

A I just think that.

Q Give me some reason why you think that?

A Well—

Q Did anyone ever tell you they were all the same?

A No, but now the black hat men were going to beat me up, kick me around for going in the stores. Ain't that the NAACP people?

Q I don't know. That's what I'm asking you.

A That's what I'm asking you. That's what I [13986] think they is. I don't know, and that's all I can think about.

Q Mr. Davis, the procedure in court is that the lawyer is permitted to ask the questions of the witness, and the witness answers them.

A I'm answering it now.

Q I want to know why you think they were the same?

A I done told you. That's all I can think.

Q Tell me again?

A Because they want to beat me up because you go in the store.

Q You think that because they beat you—and you named about nine people that you said that you had some difficulty with. Now I'm talking about all the other members of the NAACP who didn't do no beating and knocking you up.

A They ain't bothered me. I told you that to start with.

Q So you're saying—

A Some of the NAACP people—you don't know what the NAACP people or not by the actions they do.

Q So you think—a lot of people down there you didn't have any difficulty with, right?

A That's right.

Q About nine people that you named—nine people that we have identified one way or another did bother you?

A That's right.

Q And you're saying that these people were the NAACP?

[13987] A That's right.

Q What about all those other people that you said that were members and you didn't know it or not?

A They didn't bother me.

Q So you're saying that anybody that bothered you were the ones you were talking about?

A That's what I'm talking about. I'm not talking about the rest of them.

Q How do you know the nine people that gave you difficulty were members of the NAACP?

A Just for me knowing it and looking on y'all's books and telling it, I don't know nothing about that. But now I goes by what the folks tell me. They said they were NAACP.

Q Looking on whose books?

A Where y'all kept the record.

Q What records have you seen?

A I ain't seen none of them.

Q Have you ever seen a membership list of the NAACP?

A No, I ain't seen it.

Q Have you ever been in the presence of other people who were discussing the membership of—

A Yeah, I've been there. Because my daughter and her sister would be talking about it.

Q Did they have a paper there with the names of everybody on it?

A I don't know. I don't reckon not. They didn't have—I don't know what they had on it.

[13988] Q How do you know Jimmy Ellis was a member of the NAACP?

A I don't know nobody is—Jimmy or nobody else. I'm just going by what I hear them say. That's all I can tell you.

Q Did you know that this was a NAACP boycott?

A Know the difference?

Q Did you know that this was a NAACP boycott?

A I—

Q Do you know?

A I don't know what it is. I'm just going by what I heard, and that's—as far as knowing it, I don't know.

Q Who did you hear—whose boycott did you hear that it is or was?

A Shields, Collins, Calvin, Charles Evers, I don't know who all.

Q Who did you hear that from?

A Just many number of people around on the street. Sitting around talking.

Q Did you ever hear that the boycott was a NAACP boycott?

A That's what they said brought it all on—NAACP. I don't know. I don't—I ain't no member, and I didn't follow that up. That's why I've got so much time.

Q What do you mean by you've got so much time?

A Cause I went on doing like I wanted to do.

Q Now do you know whether or not Jimmy Ellis was a member of the NAACP of your own knowledge?

A No, I don't know. I don't know because I ain't [13989] seen near a name on no paper.

Q Do you know whether James Bailey—

A I don't know now.

Q Do you know whether or not Charles Lipscomb was a member of the NAACP?

A I don't know now—Charles Evers or nobody else because I didn't see the name on the paper.

Q You said that Rudy Shields said several times that it was his boycott?

A That's right. He sure did say so when he kicked me in my side. I'm breaking up his damn boycott. That was his boycott.

Q Do you believe it when he says—

A Sure I believe him. That was his boycott. In other words now, I didn't hear him telling it until he come in there.

Q Did you think that he meant it was his boycott and his boycott alone?

A I don't know.

Q Mr. Davis, you said that several things happened to you and that you attribute those to certain people and to the NAACP. And I want to know how you came to your conclusions. Will you explain that to me?

A I can't do it, because I don't know.

Q Besides the nine people that you named, do you attribute any of your difficulties in the community to any other people?

A What do you mean by attributing?

Q I mean, do you give credit to what happened [13990] to you between you and Bailey and you and Shields—do you account that to anybody else?

A I just account who did it. That's all. I don't account it to nobody except who done it. That's all.

Q Now how do you go from the ones that done it to the NAACP?

A I done told you, I heard them fellows was the NAACP peoples, and that's all I can go by is what I hear. I don't know who the NAACP.

Q Who did you hear that from?

A My son-in-law, and a lot of people uptown. Just like we'd all be sitting around on the streets. And you don't have to be saying nothing to nobody. You just be listening. You hear a lot and you know it.

* * * *

[Witness Laura Cullins]

* * * *

[14009] CROSS-EXAMINATION

BY MR. CARTER:

Q Mrs. Cullins, you indicated that you were not a member of the NAACP.

A I was not.

Q And the reason you said you were not was because nobody ever asked you?

A No, they didn't even say anything to me about even going to a meeting. When they said—contacted me, it was on the telephone, but that I was uncle tom and I was going to the stores and violating the NAACP law.

Q If they would have asked you, would you have joined?

A No, I don't think I would have joined it because I don't belong to any organization.

Q Now the telephone calls you got on the phone, did they say that this was the NAACP calling?

A No, they always used the word we. "You don't come to the meetings, and we're coming to meet you." I said, "Well, I'm at home all alone, and just come right on. I'll be waiting for you." And they slammed the receiver up. If I asked whom am I speaking to, they said, "You don't need to know. You just keep your so and so out of the stores unless we're going to get you."

[14010] Q Now were these voices masculine or female?

A Huh?

Q Were these voices—

A Oh, they were female and grownups and children because you can tell a youngsters voice. And it was old voices on the phone.

Q Old voices and young voices?

A That's right, because the little children—they were careful. They didn't—meet me on the street and little girls would throw their dresses and the little boys would shake their head but they wouldn't say anything other than that, you know.

Q You indicated that there was a shot in the corner of your house. Could you for the Court and for my own clarification tell me when did this happen?

A On a Monday night. It happened on Monday night because I heard it, but I wasn't sure it was a shot until it was found out that there the shots was on my porch.

Q Was it Monday of this week?

A Of this week?

Q Yes.

A This past—

Q It doesn't mean too much, Mrs. Cullins, unless it is shown what date it was?

A It was on a Monday night in the month of November.

Q What year?

A In 1966.

Q November of 1966?

A That's right.

[14011] Q And that particularly [sic] night, you say—you specifically recall that night?

A I specifically recall the night. I specifically because my granddaughter said, "Grandmother, was that a shot?" And as I said from the diesel truck passed, I thought the shot was a backfire from the truck, and I said, "No, baby, that wasn't a shot. That was a backfire from the truck."

Q Who changed your mind; Sheriff McCay?

A No indeed. Sheriff McCay didn't know anything about it until about that Friday, I believe it was.

Q You didn't know anything about it either, did you, until four days later?

A I knew about it that Thursday when my granddaughter went to the front porch and sat in the swing to work out some school lessons and she saw the shots all around her feet there. And then she looked up on the wall and there was a big hole. She came and said, "Grandmother, that wasn't a backfire we heard Monday night. That was a shot." She said, "The house was shot on Monday night," because several people had asked me, "Did someone shot on my house?" And I said "No."

Q What people asked you?

A Well, as I told you, I have a garden and people buy vegetables from me. And it was a vegetable customer that said, "Mrs. Cullins, did somebody shoot on your house last night?" That was on Tuesday morning after I had been to work and back. I said, "Not that I know of. I haven't seen where." And I didn't look. I didn't pay any attention to it.

* * * *

[14012] Q Why would they ask you whether or not somebody shot?

A Well, it was the town's talk, and there was talk. And I didn't know anything about it.

Q There was talk on Tuesday night, and you didn't know it until Thursday?

A Yeah, I knew the talk was Tuesday morning, but I just never did investigate because really and truly I wasn't—I am a person that is not afraid, and I didn't think anything about it. I didn't think somebody had shot on my house so I never thought about it because when I would go inside of my yard, I always went down, as I said, to the side. And I would go in the side door so I never paid any attention to the front because my drive is a more side front than the [14013] front. And

it was in the front that they shot onto on the corner of the house.

* * * *

[Witness Murriel Cullins]

[DIRECT EXAMINATION]

* * * *

[14037] Q Did you ever talk to Alexander Collins about—

A I've talked to him. The only occasion I had to talk to him concerning the boycott was he asked me about a membership with the NAACP. And I stated that I'm Catholic, and I didn't believe in certain organizations.

Q You said what?

A Certain organizations I didn't believe in of the Catholic faith.

* * * *

[14038] Q Did anything ever happen to an automobile of yours?

A Yes.

Q Will you tell us about that?

A As I said, this was a small store in the central part of Port Gibson. It was a small grocery store and it was one half block from the street I was born on, and I knew the firemen and I would stop there when we would close the station. I was putting in somewhere around ten to twelve hours. I would go to work at six and close at ten, and I would stop by and maybe drink a beer or pick up a can or two or beer to take home.

Q What was the name of that store?

A Wolfe's Store now.

Q What was the name of it then?

A It was still Wolfe's Store. It's still that [14039] now, but before as I stated I would go up and trade for turnips store. I traded there all my life.

Q All right, tell us what happened to your automobile, if anything?

A I went in this afternoon approximately 10:15 and he was discussing with me about the boycott—how I felt about it. I said, I wouldn't be a hero if I was against the boycott or for it. I said, I believe in trading with any store I desire. Because when I earn my money, nobody tells me where to spend my money. That's why I stayed in the military twenty years. It was certain things that I didn't like in country overseas. I visited every country except Russia. In Germany, France—

Q Who is the man who owns Wolfe's Store? Is he black or white?

A He is Caucasian.

Q Was his store under the boycott or do you know?

A His store was boycotted. It was broken in several times.

Q It was what?

A It was damaged several times by people.

Q Was it burglarized or vandalized or what?

A Vandalism. And if I recall, fire was set to it one time.

Q Did you see this yourself?

A Well, I saw the damage afterwards.

Q What other damage? Were rocks thrown through the glass—

[14040] BY MR. CARTER:

Objection, Your Honor. He's leading.

BY THE COURT:

Objection sustained.

Q What other damages did you observe?

A Sir?

Q I'm going to ask the question differently. What other damage did you observe?

A Well, I observed the window breaking and the burning. That was all. And one occasion it was robbed.

Q Robbed or burglarized?

A Burglarized, yes.

Q Did this burning and vandalism occur after the boycott started or before?

A This was after the boycott was called.

Q Had Wolfe had any trouble like that before the boycott started?

A Not to my knowledge.

Q How long had he been in business?

A To the best of my knowledge, he's been there over twenty something years.

Q Let's get back to the night you stopped for the can of beer. What happened to your automobile?

A As I said, I parked my car and didn't lock it. I went in and I intended to be in there a few minutes. And he and I had a conversation and I drank a can of beer. And I may have purchased a few items. I don't recall exactly what I bought. We heard a noise. I didn't go out. I thought it was another car coming to purchase something. When I came [14041] out, my car had been driven in through the back. It's a Mustang. And the windshield had been totally destroyed.

Q How was it destroyed?

A With a brick.

* * * *

[14042] Q Have you ever been at your mother's house when she received any anonymous phone calls?

A Oh, I've answered the telephone several times.

Q About how many would you answer when these people would call?

A Well, I couldn't actually determine how many times, but I know it was more than a dozen times.

Q What would these people say?

A They would come on and say, "I know your mother returned home safe. She might not return again." I stated to them that I would like to know who was talking. And either they would hang up or say, "We'll take care of you later." But I never could find out who the we was.

Q Were they male or female?

A Well, most of them were female.

Q Could you tell whether they were colored people talking—voices or white people's voices?

A Well, truly it's very hard to detect voices on the phone. I mean, I couldn't actually swear that they were.

Q In your best judgment were they black people or white people calling?

A As I so stated, that I couldn't swear but I could assume by the conversations that they weren't Caucasians.

Q Did they mention the boycott to you?

A Oh, yes.

Q What did they tell you about the boycott?

[14043] A Well, they said, "You don't realize that we mean business. We said stay out of the stores, and you keep going."

Q Did they talk to you about—

A They would talk to me at the time I would be on. Then they would say, "Let me speak to your mother." I said, "Well, I don't think she would like to talk to you," or either I would hang up or they would hang up.

Q They said for you to stay out of the stores. What kind of stores were they talking about?

A They had reference to Caucasian merchants.

Q What county?

A In Claiborne County.

Q Did they call you any vulgar or any names of obscene language?

A Oh, I was called a few names.

Q What did they call you?

A I was called a half breed a couple of times, uncle tom.

Q Uncle tom?

A Yes.

Q What else?

A I was called half breed.

Q When this brick was thrown through your windshield, about how long had the boycott been on?

A Approximately two months.

Q Had you and your mother been getting any anonymous calls before the boycott started?

A Well—

[14044] Q Of this type?

A Oh, yes. Before the boycott, we received several calls about the NAACP—why we didn't join the NAACP or—

Q Who were these people; do you know?

A I didn't know. They wouldn't reveal their name. Nobody ever just came out and said who they were.

Q But after the boycott, did they increase or—

A They increased rapidly.

Q Did they talk a little rougher or about the same or what?

A Why they couldn't get any rougher. That roughing—they would say approximately the same thing all through time. "Why won't you people cooperate? We're going to take care of your mother." They were mostly threatening when I would come on—that they would take care of my mother. And I said, "That'll be the day." That was the only reason I returned back home before the boycott. I had seen boycotts before, and I know what they can do. I was living in California at the time of one so I know.

Q Now did you ever hear that your name was called out in a NAACP meeting?

A Oh, yes.

Q Who told you that?

A Well, at the barber shop, each barber—even though I trade with them—were a member of the NAACP.

Q Did Alexander Collins tell you—

A Yes.

Q It had been called out?

[14045] A Yes, he did. He said, "It looks like we people just don't want to cooperate." And he named my mother's name, my name. At the time my daughter was living with my mother. I have a daughter that's grown that's in California. She was at home at the time this boycott was going on.

Q Did Alexander Collins tell you your daughter's name was called out?

A Oh, yes. She was in high school last year.

Q How many times did Alexander Collins tell you that you and your mother and your daughter's name had been called out?

A I only had an occasion to talk to him approximately two times during the whole boycott.

Q Of course, he told you your name was called out after the boycott started?

A Right.

Q Do you recall when your mother's house was shot into?

A Oh, yes, I do.

Q Were you there?

A I was there at the time. But as I stated, our house is pretty large, and the T.V. room was in the back part of the house. We heard the noise, but our home is on 18 Highway, and we assumed that it was a truck backfired. And we didn't discover that the house had been fired on until after the people asked my mother if the house was fired on and she said, "Not to her knowledge." And my daughter was studying on the front porch, and she came back in and told her grandmother that the house had been shot into. There was [14046] a hole approximately five to six inches.

Q Were you with your mother when your daughter came and told her?

A That's right.

Q Did you go look at the holes?

A I looked at the hole.

Q How big a hole was it?

A As I stated, it was approximately five to six inches. And being an officer man, I knew what type of weapon was fired. It was a 12 gauge shotgun.

Q Was this after the boycott started?

A Yes, it was.

Q When did you and your mother quit getting these obscene phone calls? In your best judgment?

A They varied. She got calls mostly the whole time the boycott was going on.

Q When did this boycott stop, if it did, in Claiborne County?

A To the best of my knowledge, it was either '70 or '71.

Q Has she gotten any since the boycott was sort of fizzled out?

A Oh, no. We haven't received any calls from anyone after the boycott was lifted.

* * * *

[14049] Q Did your continuing to trade with the white merchants have anything to do with your name being called out?

A I imagine so. I never stopped going. I trade where I like.

Q You didn't hide it?

A No, I didn't.

Q Your mother didn't slip around trading with the white merchants?

A That's something I never saw my mother do.

Q She's pretty feisty, isn't she?

A She is. All of her kids are that way.

* * * *

[CROSS-EXAMINATION]

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[14054] Q During the time that you were in the military service, did you hear tell of or were you aware of the NAACP?

A Yes, sir.

Q What was your attitude toward it then?

A The truth at that time I wasn't against any of the policies of the NAACP. This was—I can recall what year it was that I was contacted and knew about the NAACP—this was in 1948. This was at New Jersey. I was shipping out, and at the time I still didn't join the organization.

[14055] Of course, I had seen liturature [sic] from the NAACP and at that time I thought the organization was an organization.

Q Okay, what I'm getting at is—getting to the question now. Your mother is Methodist and you're Catholic?

A Right.

Q When did you become a member of the Catholic faith?

A As I recall, I was eleven years old, I think.

Q And you also testified that the reason—one of the reasons why you didn't join the NAACP was that you didn't—

A Certain organizations. For instance, I'm not a Mason which my brother is. In my own way of thinking I don't believe in organizations.

Q You're just a non-joiner?

A That's right.

Q Do you know the father at the Catholic Church?

A No, I've attended the church at Natchez. I know some fathers in Port Gibson. I have gone to church in Port Gibson but that's been some years ago.

Q Did you know that Father Cangemi was a member of the NAACP?

A No, I didn't. I have no knowledge of that.

Q Did anybody in the Catholic faith suggest to you that you should join the NAACP?

A No. As I stated, I don't believe in any organizations. Not even unions.

* * * *

[14057] Q Are you saying that the burglarizing of the Wolfe's store had something to do with the boycott?

A Yes, sir.

Q How do you establish that?

A Well, at one time his store was, I would call it—the way the site is of this store, it's a sidewalk. A bunch of—I would say, teenagers would be sitting there most of the time outside. I mean, they had told people not to

go in the store, and they sit there primarily to see who went in. But as I before stated, I didn't care who saw me. I traded after my car was burglarized.

Q You still haven't talked about the burglars?

A I stated it. That the burglary was made before my car was damaged. The burning was after. And apparently somebody—it would only stand to reason that—

Q It doesn't stand to reason. Unless you can tell me why—

BY MR. PYLES:

I'm going to object with counsel arguing with the witness.

BY THE COURT:

Your objection is sustained. Mr. Carter—

BY MR. CARTER:

If the Court please, if this man is going to jump from fact to some kind of assumed conclusion and say that [14058] it stands to reason, then I object to that particular answer.

BY MR. PYLES:

He asked him.

BY THE COURT:

If you don't agree with the question, that's all right. You don't have to agree with the question. But this is argumentative when you tell a witness that his answer is wrong—it is not a correct assumption. The Court will take care of matters of this type, Mr. Carter.

Q All right. Why do you believe that the burglary was a result of the boycott?

A Well, the store was listed as a boycotted store. And if it wasn't boycotted, I can't see no reason for it to be burglarized or damaged.

Q Mr. Cullins, are you saying that they never had burglaries in Port Gibson before the boycott?

A Not at this particular store.

Q But did they have burglaries in Port Gibson?

A Sure, they had burglaries in the whole United States.

Q Are you saying that the only burglaries that occur do so when the boycott is going on?

A Certain types.

Q What types of burglaries was this? What made it different from the other burglaries?

[14059] A Well, a number of conditions. If a store is not harrassed or everything is going along smoothly, it is a community store in this neighborhood—this is a Negro neighborhood also mixed with Caucasians. This has been a family store ever since I was born. Everybody knew the family. However, he had been burglarized before—

Q Before the boycott?

A That was before he owned it, you see. I knew the store before he owned it.

Q So why did this particular burglary attach itself to the boycott?

A At this particular time the lock was broken. Whatever money was taken, I assume—I couldn't swear to it, but I would believe that it had something to do with it just from common knowledge.

Q You just assumed this. Is that right?

A Well, I believe it was. That is my belief.

Q I understand that. What I'm trying to do is determine why you believe that?

A I stated that the store was put under a boycott; he lost his trade; and this place was burglarized during this time of the boycott. It never was touched before.

Q You just testified a few minutes ago that it was burglarized?

A I stated that that was many years before this man owned the store. It was Turner's Store before.

Q Now you also testified that it was robbed. Now did this happen before your car was damaged or afterwards?

A This was before my car was damaged. I think it [14060] was the first month of the boycott if I recall right.

Q Was this an armed robbery or a single burglary?

A It was a night burglary. The lock was broken. No one was there.

Q Then the robbery and the burglary are the same thing?

A That's true.

Q Where was the burning?

A This building was set at the corner of the building. As I stated, the geographical setup of this store is kind of weird to explain. There are pecan trees all around this store, and it was a pile of pecan leaves set afire, and it caught onto the building.

Q There are some pecan leaves besides the building, and they caught on fire?

A These pecan leaves were put at the corner of the building and set afire. The pecan leaves were in a container—a barrel—a 55 gallon drum. I had so noted the barrel of leaves several times as I had gone by there.

Q In other words the barrel of leaves was there all the time. Everybody just—

A The barrels were set on the street for garbage disposal. And they—

Q When you went by, you saw the barrels setting where?

A As I stated, on the curb.

Q On the curb.

A They have wide streets at this particular locale. And the barrel was sitting fifteen feet from the [14061] building on the curb. This building sits back. It's an old building. And it was stated that the barrel was removed and piled at the end which is the back side of the building.

Q You saw it moved?

A I saw the building after it was burned. I can see it myself.

Q Did you see who burned it?

A No. I didn't see who hit my car. I tried to.

Q We're going to get to that. Do you know who burned it?

A No.

Q Did you hear who burned it?

A No, it never came—it never was proved who burned it.

Q Was anybody arrested?

A No.

Q The Sheriff was called?

A The Sheriff was called.

Q Was the Sheriff called when your car was damaged?

A Not at the time. He was notified. I reported the accident.

Q Did he come to investigate?

A No, as I stated, when I came out and saw my car damaged, I tried to find out who did it. It was a long street. I have a fast Mustang. I tried to see if I could see the reflection of the tail lights.

Q How long after you heard the noise did you go outside?

[14062] A Maybe three or four minutes afterwards. Nobody came in so naturally I went out to see if anybody was opening my door. And a vehicle—I could see the tail lights a ways off.

Q When you came out, there wasn't anybody around?

A No one around.

Q And—

A The brick was laying on the hood.

Q And you say that the backend was damaged?

A Yes, it was.

Q Somebody had run into the back of the car?

A They had rammed it and pulled off from it. The back fender of a Mustang is very soft. And what they

did, they just crushed it in. It wasn't too bad to remove the car. As I stated, I tried to see if I could find out who had did this damage. But I had no luck.

Q Did anybody tell you they were going to damage your car before they did it?

A Not come out and tell me.

Q What do you mean; not come out and tell you?

A You mean, did anyone walk up and tell me?

Q Yes.

A I didn't understand your question. No one had walked up and said anything to me.

Q Did anyone call you on the phone and tell you?

A No.

Q Did anyone mail you a letter and suggest this?

A No.

Q Did you have any kind of personal threat at all?

[14063] A No, I have never had any threat.

Q Huh?

A I said, I never have had any threat in Port Gibson before. We got along with most people.

Q They why did you assume that the damage to your car was attached to the boycott?

A Because my car was not the only one damaged in Port Gibson.

Q That night?

A Not that particular night, but there were more incidents of the same kind.

Q Now we're talking about your incident, Mr. Cullins.

A Well, as I stated, the store was boycotted. I had been seen entering this store every night. And in all assumptions, you would have come to the same conclusion; that somebody did it because of the fact that you were trading with this merchant who was put under the boycott.

Q At least that's what you assumed?

A That's what I assume—I still assume.

* * * *

[14067] Q How did you learn about the boycott?

A My mother lives in Port Gibson and she made a call. She said, "Claiborne County is being placed under a boycott." I said, "I'll be home in three days." And I was home in three days.

Q Did you tell—did you understand what this would mean as far as you were concerned?

A I did.

Q What did you think it would mean?

A I know—as I stated, I know my mother and the way she thinks and the way our family thinks. And I know she would be molested in some way. And any boy—kid is going to protect his mother.

Q Then you weren't really aware or concerned about why the boycott was being put on?

A In no way.

Q You were just concerned that you had to get back to Port Gibson to protect your mother?

A Yes. Not really just to protect her, but to be around if she needed protecting.

* * * *

[14073] Q Mr. Cullins, are you fearful of your life and well being in Port Gibson?

A Not one bit.

* * * *

[14077] Q Thank you. Mr. Cullins, will you explain to me a little bit more in detail and to the Court what it is you knew about boycotts that caused you to be disturbed when you heard there was going to be a boycott in Claiborne County?

A Well, as I stated, a boycott is a little bit more serious in larger cities. And I had seen property, stores, merchants—for instance, if a store was boycotted in the state of California, they have panel wood on every [14078] window. You do not see glass during the boycott because there's none for you to see. And by seeing these things in reality, I would say that the same thing could happen in a small town.

Q Now are you referring to a specific instance in California that shaped your opinion?

A I'm referring to every city that was boycotted, and I practically saw these three cities that I knew was under boycott, these merchants.

Q In California?

A Right.

Q Now you mentioned Watts being the basis of your belief. Are you referring to the famous incidents in Watts that were in all the papers, all the burnings and that sort of things? Is that what you're referring to?

A See, Watts was once totally boycotted. I mean, a lot of merchants. It only lasted about three months as I recall. This is not the incident that you're referring to. I know about that. That was prior to.

Q Where were you when this famous Watts incident?

A At that time I was down in Oakland California, and I had relatives in Compton which Compton is joining Watts.

Q Now did this question come to be known as Watts Rival?

A No.

Q It is not?

A No.

Q Do you know who sponsored the boycott that you're referring to in California?

[14079] A At this particular time all I have knowledge of was the merchants were boycotted.

Q So based on what you have observed, you assumed that it was necessary—or you concluded that it was necessary for you to come home in order to protect your mother as you stated. As I understand it, you returned to Port Gibson in 1966?

A That's correct.

* * * *

[14080] Q Now may I ask you how you know so much about details of the burglary of the Wolfe Store?

A As I stated, the Wolfe Store was a friend of my family. And I have talks with him, and he would discuss what was done. Because he knew about the damage done to my car.

[14081] Q Are your conclusions and statements given here today a result of your conversations with Mr. Wolfe?

A I saw the damage after having a conversation with Mr. Wolfe.

Q I understand that you could see that the store had been burned or that you could see where they had had a burglary. But I'm saying that you gave certain conclusions from an analysis that a pecan barrel had been pulled from the streets and set afire. What I'm saying are, are those statements a result of conversations with Mr. Wolfe?

A That is true.

* * * *

[14084] As far as we were concerned, we were not worried about anything happening to us directly. We figured we can replace property. It can be replaced by insurance—

Q Are you saying that is not your family—

BY MR. PYLES:

Your Honor, he keeps interrupting him.

BY MR. SANDERS:

I'm sorry. If he hasn't finished—

BY THE COURT:

Go right ahead.

Q Go right ahead.

A As I stated, the damage that was done to our property we knew that we could replace. As far as an individual being murdered or—for example, my mother was told—I answered the phone and whoever was on the phone, they said, "We're not—," and when I would say, "Who are we?" "We're members of the NAACP. We'll

take your mother out and tie her and let the mosquitoes take care of her." I said, "That'll be the day." And I meant that.

* * * *

[REDIRECT EXAMINATION]

* * * *

[14133] Q Are you in favor of getting these demands that Mr. Carter talked about by boycotting the white merchants?

A I don't quite understand what you mean by in favor. However, I have stated that I didn't think any store or merchant in Claiborne County should have been boycotted. That is my opinion. I believe that they would have complied with the same thing without an organization. I think the leaders, merchants, owners of buildings in Claiborne County could have gotten the whole thing straightened out on the phone.

* * * *

[Witness Aaron Wilson]

[CROSS-EXAMINATION]

* * * *

[14166] Q Do you know about the Black Hats?

A I heard about them, but I don't know about them.

Q What did you hear about the Black Hats?

A They were just talking about black hats, and that's [14167] all I know.

Q What was the purpose of the Black Hat people?

A I don't know none.

Q Did you ever hear about storewatchers?

A I heard about it, but I don't know about it.

Q Did you ever help watch the stores?

A Never did. I don't know nothing about it.

Q You just heard about it? You knew that it was very unhealthy for a black person to violate the boycott, didn't you?

A I knew that.

Q That was pretty generally known in the community, wasn't it? It was pretty generally known in Claiborne County that black people would be in trouble if they would violate the boycott?

A Well, I think they would.

Q Now you didn't think very much of a black person who would violate the boycott, did you?

A I sure wouldn't, because I'm trying to help the black men.

Q You would regard the black person who wouldn't go along with the boycott as sort of a traitor of the black people, wouldn't you?

A Explain that again.

Q Well, he wouldn't be true to them—

A That's right. He wouldn't be true to the black people.

• • • •

[14168] Q Now you knew about some black people who had violated the boycott and had been beaten up by other black people, didn't you?

A I never heard telling about any of them got beat.

Q You didn't hear any of them got beat. What did you hear had been done to them?

A The ones that—

Q That violated the boycott?

A I haven't heard anything, because I haven't heard it was done.

• • • •

[Witness Susie Gibson]

[DIRECT EXAMINATION]

* * * *

[14182] Q Why did you stop trading with the white people?

A They said to not go in the stores. That's why I didn't go in there. I went in there once.

Q I'll get to that in a minute. You said, they said not to go in the stores?

A Yes, sir.

Q Who told you not to go in the stores?

A Mr. Evers told me not to go in there. I come out of Ellis—

Q Wait just a minute. I haven't gotten to that yet. How long had the boycott been on when you found out [14183] about it?

A It had been on quite a while. See, I was sick in the bed, and my husband was sick. And I don't remember hearing about it.

Q Were you in favor of the boycott?

A It was all right, I guess, as far as I know.

Q Were you afraid to go in the stores?

A Sure.

Q Why were you afraid?

A Well, they said they were whipping people. I didn't know, because I hadn't been out.

Q Did you hear that on the streets of Port Gibson?

A I heard it on the streets. I didn't go in.

Q Now you mentioned Mr. Evers. Is that Charles Evers you're talking—

A Charles Evers, yes, sir.

Q Did you know him before the boycott started?

A No, sir, I did not.

Q You knew who he was; you had heard of him, had you not?

A I had heard about him. I saw him.

Q Did you ever have a conversation with him on the streets of Port Gibson after the boycott started?

A Well, do you want me to tell you about when I went in that store?

Q Yes.

A I went into Ellis' store to get all this stuff, but I didn't know the boycott was on. See, I had been sick in the bed, and my husband was sick, and I didn't know it was [14184] on. And so I hadn't been in there since.

Q Now let's stop just a minute. What Ellis Store did you say you went into?

A Norman Ellis.

Q Is that Ellis Variety Store?

A Yes, sir. Norman Ellis.

Q Norman Ellis?

A Yes, sir.

Q What did you buy in there?

A Slip.

Q A ladies slip?

A Yes, sir.

Q What happened when you came out of there?

A He told me did—he asked me, did I work in there? I told him no.

Q Who told you that? You said, he?

A Mr.—what's his name. I just told his name.

Q Mr. Charles Evers?

A Mr. Charles Evers. And I told him, "No, I didn't work in there," He say, "Well, do you know it was boycotted?" I told him, "No, I didn't." And he said, "Stay out of there." I said, "I will, thank you."

Q Stay out of where?

A Out of the stores that were boycotted.

Q What stores? Mr. Ellis'?

A Mr. Ellis' Store. I didn't know they had boycotted it. And I was on my way to the doctor.

Q Did any other black person tell you not to go in any white stores?

[14185] A No, sir. Didn't nobody tell me. I had some members, but they didn't tell me.

Q You had some what?

A Some members of my church. They didn't tell me.

• • • •

[14188] Q How many people did you hear say they were whipping people about violating the boycott?

A I don't know, because I didn't go in the stores.

Q How many people did you hear—

A Two or three of them say it.

Q That they'd better not go in the white stores or you'd get whipped?

A That's what—

BY MR. CARTER:

Objection, Your Honor.

BY THE COURT:

Objection sustained.

A That's what they say. I don't know.

Q What did they say?

A Said they whipped them.

Q They whipped who?

A Whipped the people that go in the stores during the boycott. See, I didn't go in because I was sick. I didn't want to be whipped.

Q You didn't want to be whipped?

A No, sir.

• • • •

[14189] CROSS-EXAMINATION

BY MR. CARTER:

Q Mrs. Gibson, was Mr. Evers by himself when he talked to you?

A Yeah, he was coming down the streets.

Q Was he walking?

A Walking down the street.

Q Did he tell you that he was going to whip you or have somebody whip you?

A No, he didn't say anything about whipping me. That was the ones that hearing—whipping the people that told me. I don't know. I never did go up there and see.

Q Did you ever—did anybody ever threaten you?

A No, I haven't.

Q Outside of just hearing about this, did you ever hear anybody say that they were from the NAACP suggest to you that you shouldn't go in the white stores?

A No.

BY MR. CARTER:

I believe that's all.

CROSS-EXAMINATION

BY MR. SANDERS:

Q Mrs. Gibson, I'll stand a little closer so that—

A I think that would be better.

Q How many people do you know in Port Gibson—know of your own knowledge that got whipped?

A I don't know. They told me—

Q Let me finish. How many do you know about?

[14190] A I don't know any. That's what I heard.

Q And what you related is what you heard and was that street talk or did somebody tell—

A Street talk. I didn't know because I wasn't going out. My husband was sick, and I was sick.

* * * *

[Witness James Hudson]

[CROSS-EXAMINATION]

* * * *

[14711] Q I show you Exhibit C-12. I think this is (4). Would you tell me what that depicts?

A That's in front of J. H. Lee's Grocery and Clark Whiskey Store.

Q Anything unusual about the picture?

A No, other than that's the way the watchers stood around, you know, on the street, like this guy right here. Other than that, it's just a—

Q If I went to Port Gibson this afternoon, would I see something similar to that?

A Probably not at that particular place. You would on the street corners.

Q It's not unusual for people to stand on the street corners, is it?

A Not now, no, sir.

Q Was it before?

[14712] A It was a little unusual during the boycott. They hadn't stood around on the streets then. They were usually somewhere else.

Q Where?

A Like poolroom or one of the cafes, some of the side streets.

Q I'm showing you Exhibit C-12(5). Tell me what that depicts.

A Well, to me, it brings to mind two of the what we call goons walking across the street and the marchers were in front of the others. I've seen instances like that several times, lot of times, usually with two like that abreast. I recognize those two faces. I don't know them by name.

Q When you say "what we called goons", who did you mean? Who else besides yourself called them goons?

A Well, that's what we referred to them as, the watchers. I don't know who started it.

Q Is that what Dan McCay called them?

A I can't say for sure.

Q Is that what the Highway Patrol called them?

A I can't say for sure of that. But I'd heard that expression. It was not my origin.

Q Did you ever see these goons ever beat up anybody?

A Yes, sir. I think in my testimony I believe I gave that. I'll just have to call that back to see for sure with the times. I have seen it. I think I've testified before about it.

[14713] Q You said something about Roosevelt Wyatt, "Shorty" Wyatt?

A Right.

Q You say the goons beat up on him?

A No. They threatened him, but I didn't actually see one of them hit him. He asked them to, but I didn't see them hit him or do anything.

Q And Ernest Darden?

A Same there.

Q Nobody hit him?

A No, sir. I didn't see any.

BY MR. PYLES:

I'm going to object to this. We went over this.

BY MR. CARTER:

Court please, I'm trying to find out why he calls these people goons if he didn't see them.

BY THE COURT:

Well, I think you can ask that question of him, if he ever saw any of them do anything; but other than that, it's testimony that you've already had.

Q Did you see them do anything?

A Yes, sir, quite a bit.

Q When?

A When? During the boycott, during the '66, '67, '68, I saw them many times push and shove and a time or two hit somebody, actually hit them. We called them [14714] Black Hats or goons or watchers. We were referring to the same.

Q When you say "we", who are you talking about?

A Talking about the people in general, business people and people in general, everybody else around Port Gibson. I say "everybody else"—a lot of other people.

Q Now, you testified that—

BY MR. PYLES:

Your Honor, I'm going to object to him asking him about going over things because he's already cross-examined him about what he testified.

BY MR. CARTER:

Half of the stuff I cross-examined him about, I didn't know what the testimony would be, and now I know what it is.

BY MR. PYLES:

Your Honor, I can't be responsible for Mr. Carter's ignorance in here. There is no reason why we should throw the rules of evidence out the window.

BY THE COURT:

We're not going to throw the rules of evidence out the window, Mr. Pyles, but I am going to give Mr. Carter some latitude on this matter because there were many things that this gentleman testified to that—in fact, I think he was the first witness that we had. Later testimony, later events, have cast it in different [14715] lights, and I'm going to let him go ahead. I'll ask you this, Mr. Carter, to please try the best you can to narrow this down to things, let's say supervening matters or newly presented things, rather than to go back over and rehash exactly what this man has already testified to.

BY MR. CARTER:

If the Court please, and without belaboring the point, I think the reason why I went into my notes

was that he said he didn't remember what he testified to, and I was trying to refresh his memory as to what he testified to.

BY THE COURT:

Well, go ahead.

BY MR. CARTER (Continuing):

Q O. K. Mr. Hudson, did you, on observing these incidents of violence, either intervene, call the police, blow the whistle or do anything like that?

A Did I?

Q Yes, sir.

A No, sir. I don't recall that I did.

Q Do you know—

A I did in one instance, yes, sir, the instance with Ernest Darden. I've got to get it back in my memory. I called or waved to them or motioned to the police to come.

Q And you also testified that really there wasn't any violence involved.

A No, sir, no actual violence, right.

• • • •

[Witness Charles R. Dobbs]

[CROSS-EXAMINATION]

• • • •

[14761] Q Let's go ahead and talk a little more about what we talked about yesterday. I asked you if things were better down there in Port Gibson now than it used to be. Do you remember that?

A Yes, sir.

Q And you said yes?

A Yes.

Q And you told me that you were bringing this boycott—this suit—to keep another boycott from ever happening again in Port Gibson. Do you remember that?

A I remember it.

Q And I told you I hoped another boycott in Port Gibson never happened?

A And I told you I wanted to make sure that no one else ever had to go through what we went through, and all you said was—you give the impression that everything was fine now, and to leave it alone, so I wanted—

Q That is your interpretation, isn't it?

A Yes, that was my interpretation.

• • • •

[14788] Q Did you hear the speeches?

A I went down and heard one.

Q Who made the speech?

A Evers.

Q I am sorry. I didn't hear you.

A Charles Evers.

Q Was this around the first of March, 1966?

A He led several marches, and I heard one of them. I don't know which one it was.

Q Was it before the boycott or after—

A No, sir, it was after. It was during the boycott.

Q During the boycott. The beginning—

A The first part of it. I couldn't give you a definite date on it.

Q Sometime in the spring of 1966?

A The weather was warm, yes.

Q Do you recall what he said?

A It was very detrimental.

Q What do you mean detrimental?

A Threats. I mean, we will do this to them. We will—they didn't ask.

• • • •

[14791] Q Did you ever hear any of your customers threatened?

A I heard one that I was called out—came in and bought some paint and walked out, and this young boy came up and said, "Don't you know that store is boycotted?" My customer says, "Is there a law against going into a store?" And I said, "No." We called the police and the County Attorney advised, "Don't bother with filing suit or anything."

Q Did you think it was illegal for him to tell him [14792] your store was boycotted?

A He was a young fellow, and they were stationed outside the store. Anyone that went in, they approached them.

• • • •

BY MR. CARTER:

Q I ask you whether you saw anybody have their merchandise, any of your customers' merchandise destroyed?

A Not my customers, but one across the street, I did.

Q Who was that?

A Mr. Jones' came out of his store, and they destroyed some tomato plants that a woman came out of there with.

[14795] Q What customers, not policemen, of yours were vilified, slandered, abused and intimidated of your own knowledge?

• • • •

A I don't know the man's name. He is a colored preacher in one of our churches there. He was a customer of mine quite often, and a very nice fellow, and he was approached when he came out of the store.

Q When you say approached, he was approached by whom?

A By this young boy.

[14796] Q And what was the conversation, if you heard it?

A "Don't you know that store is boycotted?"

Q Is that the extent of the conversation?

A The preacher said, "Is there a law against going into your store?" when he turned and talked to me, and I said no.

Q Then that was the same incident that you suggested before?

A Which one now?

Q When I asked you about somebody stopping your customer.

A That is one incident, yes.

Q Would you call that being vilified?

A In the manner it was done, I—

Q Tell me the manner in which it was done.

A Intimidating. It would intimidate somebody.

Q Was it slanderous?

A It may not be slanderous, but it was intimidating.

Q Abusing?

A It would be to me.

Q Did the customer indicate that he was afraid?

A Would you?

Q That isn't what I asked.

BY THE COURT:

Answer the question, please.

BY THE WITNESS:

A Yes.

• • • •

[14819] Q Mary Ross?

A She stood in front of my store a day or two and advised them that the store was under boycott.

Q Any other act?

A No.

Q Did you consider advising people that the store was under boycott an illegal act?

A In the tone of voice, yes.

Q I beg your pardon?

A In the tone of voice and the attitude that abounded at the time, yes.

Q Are you saying that the tone of voice made it illegal or the fact that it was being done made it illegal?

A When you talk to somebody, you can kind of tell whether it may be a threat. They were reporting the names [14820] and what they were doing, those that were—

Q My question to you was, whether you considered advising people that your store was under boycott, did you consider that an illegal act?

• • • •

A Yes, sir. I consider it detrimental to my business for people to stand out there and say, "That store is [14821] boycotted."

BY MR. SANDERS:

Q Do you consider it illegal?

A I consider it an implied threat.

Q An implied threat?

A An implied threat, yes.

Q How would you define a threat?

A Their names were published at the meetings of the NAACP at night, and they were read aloud.

• • • •

[Witness Waddy Abraham]

[REDIRECT EXAMINATION]

• • • •

[15000] Q Did you testify that you saw a customer of your store or another white store that had her groceries snatched out of her hands?

A Once I stood outside of my store on my front.

Q Was it one of your customers?

A Yes.

Q Was she black or white?

A She was a black customer.

• • • •

[Witness Robert L. Vaughan]

[CROSS-EXAMINATION]

• • • •

[15182] Q Mr. Vaughan, do you know of any person who used force or violence to induce or restrain someone from trading [15183] at your business?

A No.

• • • •

[15202] Q You said you heard Evers speak on several occasions. Did you hear his speech on television?

A I did.

Q Did you hear him mention that if any blacks broke the boycott, they would break their damn necks?

A I believe the words he used were, "We will break your damn necks if you go back in there."

Q Was that on television?

A That was on television.

Q What period of time—was that shortly after Dusty Jackson was killed?

A As I recall, it was probably the week after the incident.

• • • •

[Witness Rev. R. L. T. Smith]

[CROSS-EXAMINATION]

• • • •

[15311] Q Now you testify that there was common knowledge around Port Gibson that those who purchased goods for the centers were under a threat of bodily harm if they bought from the white stores?

A You didn't go far enough.

Q Well, you go all the way—

A Okay, but there was more than bodily harm. There was harm to the spirit, to the dignity of man, to the aspiration of the people around there.

Q In other words, you wanted to help those people maintain their dignity by boycotting the whites—

A No. We wanted dignity regardless. Even after all of this is over, we still wanted dignity as a man.

Q What was the threat of bodily harm that you were talking about? Those were your words?

A Well, I tried to tell you then. It was more than the physical harm—

Q I'm not asking you about the internal feelings. I'm asking you about your direct testimony that you said that they were under threat of bodily harm?

[15312] A Yes, and I should have added also spiritual harm, mental harm.

Q Well, who were they afraid would do bodily harm on them?

A Well, anybody that would call him boy when he walks up—anybody that would call him uncle or auntie. That's daggering a man to his heart.

Q Preacher, are you trying to play games with me?

A No, I'm just telling you the truth. You want me to tell you the truth, don't you? I swore to tell you the truth, tell this court the truth.

• • • •

[15324] INTERROGATION

BY THE COURT:

Q Reverend Smith, you do have me confused on one point here, and I think it's a most important point. When you were under direct examination by Mr. Royals, you made the statement that you were motivated in what was done in Port Gibson by a desire to bring about peace and harmony; do you recall making that—

A That's right, sir.

Q And then when you made this statement about the common knowledge that there were threats, you stated then that you simply wanted, and I'm quoting directly

here, "wanted Mississippi Action for Progress Program to go on uninterrupted"; that that was your primary purpose. Do you recall making that statement?

A I did, sir.

Q Now you then stated that there was intimidation [15325] in Port Gibson, and that that was common knowledge that the people there were afraid of bodily harm. Now all of these things have been testified to. My question to you is this: who was doing the intimidating? Who to your knowledge was threating to do the bodily harm down there in Port Gibson?

A Different ones.

Q The reason I'm asking is because when you were under examination by Mr. Royals the thought came to my mind that these people were being intimidated if—that is to say, they were threatened to bodily harm if they went into white stores. Then under cross-examination by Mr. Shell you made it appear that there was something that they feared from the white people. In other words, the white people were saying if you come in our stores, we're going to do this, that or the other. And I want to get this reconciled because I do think it's most important. Will you just—

A Thank you, Your Honor.

Q Will you just explain to me—

A Yes, I will to the best of my ability, sir. Now bodily harm—it includes more than breaking the skin or a punch in the eye.

Q Are you stating that—I think I can anticipate your answer—are you saying that it was the whites who were to blame for this?

A I'm not blaming whites or blacks.

Q Well—

A If you'll permit, I'll tell you my answer, sir.

Q Go ahead and answer it.

[15326] A I think the thinking among the black citizens of Claiborne County at that time and down to this date, the fear of bodily harm meant more than breaking

the skin or breaking the bones, but it also meant there the breaking of the spirit of denying my rights as a free citizen. You won't let me register; you won't let me vote; you won't give me the dignity of the mind. I've got to walk around the back to get a hamburger. I can't use the toilet. I've got to wait until I get to the edge of town. All of that was involved in the fear. Not merely bodily harm, but it was also those things that crush the spirit.

Q Then as I understand you, Reverend, this was something that the white people were doing?

A Well, whoever was doing it. It doesn't matter who was doing. We didn't want it.

Q Did you know of any blacks or did you hear of any blacks down there who were crushing another black's spirit or making him go to the edge of town to use the toilet facilities or going in the back—

A I didn't mean that literally. He may have found something before he got to the edge of town. But, I don't know. You ain't ever been a black man, and you don't know what it means to be in the town where your grandfather was slaves and—

Q Mr. Smith, I've lived in Mississippi—

A But you've never been a black man and don't know what it's like.

• • • •

[Witness Owen Cooper]

[15330] DIRECT EXAMINATION

BY MR. ROYALS:

Q State your name for the record, please, sir?
A Owen Cooper.
Q Where do you live, Mr. Cooper?
A Yazoo City.
Q How long have you lived in Yazoo City?
A Twenty-five years.
Q What is your business?
A I'm retired.

Q Before you were retired, what was your business in Yazoo City?

A I worked for Mississippi Chemical Corporation.

Q And what position did you hold with Mississippi Chemical Corporation?

A At the time I retired, I was president.

Q Are you familiar with an organization called Mississippi Action for Progress?

A Yes.

Q Are you a member of the Board of Directors?

A Yes.

Q How long have you been a member of the Board [15331] of Directors?

A Since its organization.

Q Do you remember approximately when that was?

A '67, I believe. I'm not positive.

Q If the record has shown that it was chartered somewhere late in 1966, say October of '66, and went into operation in Claiborne County in early '67, would that—would you agree essentially with that?

A Yes.

• • • •

[CROSS-EXAMINATION]

• • • •

[15338] Q I want to know whether you know for a fact that people in Port Gibson were afraid?

A No, if you—

Q That's all.

• • • •

[15376] Q Did the board have information that the cooks were being threatened with bodily harm if they traded in the white stores?

A Information had been given to us by employees that they were under threats of intimidation, and I think bodily harm would be about the only thing that would have had [15377] adversely affected the cooks because I don't think they probably could have had economic threats of much left.

Q Well, did you—this committee from the Mississippi Action for Progress; that is, Reverend Smith, Charles Young, James Gilliam call Charles Evers down there and say, would you stop these people from threatening our cooks?

A I do not remember the substance of the conversation but the presentation to Mr. Evers was the fact that we had a revolving plan to where we would purchase from the white and black merchants—the food, and he would not agree to making any exemption in the boycott so far as application of this plan was concerned.

Q Now when you could not get Charles Evers' agreement to stop threatening the cooks or stop whoever it was from threatening the cooks, you then decided to form a committee consisting of yourself, Aaron Henry and Gilliam to go with Jack Price to Claiborne County for a meeting on Monday, January 30, 1967, to discuss the problems of purchasing food in Claiborne County. Who were you going to discuss it with?

A We were going to discuss it with the white merchants and the black merchants and the leadership and anybody that represented the proposed leadership on both sides and see if we couldn't work it out.

Q Now you do not represent to the Court that you had any information that the white merchants were threatening bodily harm to your cooks for trading with the white merchants, do you?

A No, none whatsoever.

[15378] Q Did you have any information that the black people were threatening to do bodily harm to these cooks for trading with the white merchants?

A The information we had that those who were carrying on the boycott which—I would say they were preponderantly black. There may have been a few whites in it but that's the threat that came from the people having the—

Q Preponderantly black?

A Yes.

Q That's the reason that this committee called Aaron Henry—I mean, Charles Evers because he was the recognized leader of the black people in that area?

A And was the purported leader of the boycott in Claiborne County.

* * * *

[Witness Bernell Monroe]

[DIRECT EXAMINATION]

* * * *

[15427] Q How long have you lived in Port Gibson?

A About 23 years.

Q I see. By whom are you employed?

A MAP, Incorporated.

Q What is your position with MAP?

A I'm a teacher now.

Q When did you first become employed with MAP?

A In January, 1967.

Q Were you one of the first employees of MAP in Claiborne County?

A Yes.

Q What were you hired to do?

A I was hired as head cook.

* * * *

[15431] Q Did you ever tell Mr. Price that you were afraid to shop?

A No.

Q Were you afraid?

A No.

Q Are you a member of the NAACP?

A Yes.

Q Were you a member then?

A Yes.

Q When did you join?

A Let me see—probably '65. I don't know exactly.

* * * *

[15433] CROSS-EXAMINATION

BY MR. SANDERS:

Q Did anyone in Port Gibson ever threaten you because of your habits of purchasing for MAP?

A No.

Q Do you know of any threats or acts of violence ever perpetrated against any other cooks or employees?

A No, I do not.

Q Do you know of any cooks or employees who were threatened—

A No.

Q Of bodily harm?

A No.

Q Do you know of any cooks or employees that was slandered or held up for ridicule in the community that were employed by MAP?

A No.

[15434] Q Do you know of any instance in which MAP cooks refused to cook food that had been purchased from white merchants?

A No, sir, there never was.

Q Do you know any individual or group of individuals that had any act of violence against you or any other cooks employed at MAP at the time?

A No.

BY MR. SANDERS:

That's all I have, Your Honor.

• • • •

[15442] Q Was it your impression that a black person in Port Gibson could do whatever they wanted to about the boycott—they could honor it or not honor it and nobody would interfere with them in any way whatsoever?

A Would you repeat that, please?

Q Yes, I will. Was it your impression that a black person in Port Gibson could go around breaking the boycott without any problems from anybody?

A Yes, some did.

Q And they wouldn't have been cast out socially by the rest of the black people?

A So far as I know.

Q And they wouldn't have been under any threat of any physical or bodily harm?

A No.

Q Do you know who reported to the MAP Board of Directors that the cooks were afraid to go in the white stores?

A No.

Q How many cooks were operating down there at that [15443] time—say during 1966 and 1967?

A Four or five. I don't remember exactly.

Q And you say that none of them were afraid to go in the white stores and buy groceries?

A As far as I know.

Q You know that you weren't?

A No.

Q And you don't know of anybody else that was?

A Not that I know of.

* * * *

[15461] A Well, when Mr. Price first came down—that was the first time, yes.

Q He directed you at that time to go to these other two stores, didn't he? The Piggly Wiggly and the—

A He carried me, yes.

Q Well, are you telling us that you didn't want to trade there?

A No, I didn't.

Q Did you suggest to trade with one of the black stores?

A No, I didn't.

Q After he left, he left you with word that you could trade with wherever you desired; is that correct?

A Yes.

Q And from that moment on, you didn't buy any food from any white grocery store in Port Gibson, did you?

A No, I didn't.

Q Why didn't you?

A I didn't want to as I told you to begin with. I didn't trade at those stores before the boycott started. I didn't buy my groceries there.

* * * *

[Witness Julia Johnson]

[15472] DIRECT EXAMINATION

BY MR. CARTER:

Q Would you state your name for the Court, please?

A My name is Julia Martha Johnson.

Q Where do you live, Ms. Johnson?

A Port Gibson, Mississippi.

Q How long have you lived in Port Gibson?

A All of my life.

Q Are you married?

A Yes, I am.

Q Where do you work?

A Mississippi Action for Progress.

Q In what capacity are you employed?

A I was assistant cook.

Q Are you presently employed now?

A Yes, I am.

Q Are you still an assistant cook?

A No, I'm a teacher's aide.

Q When did you start working for MAP?

A I started the 16th day of January, 1967.

Q You were one of the first people hired?

A Yes, I was.

* * * *

[15474] Q Did you become a cook?

A Yes, I did. I became a head cook.

Q Did you make purchases then?

A Yes, I did.

Q Who did you make your purchases from?

A From the different stores—different stores.

Q Did anybody ever tell you not to shop at a particular place?

A No, they didn't tell me to shop in different places, but we just—they had stores that we did go in and shop. Nobody ever told me not to shop at different places.

Q Did anybody ever threaten you if you did shop someplace else?

A No, nobody ever threatened me.

Q Were you afraid to shop in the white stores?

A No, I wasn't afraid to shop at the white stores.

Q Do you know of any other cooks that were [15475] threatened or afraid to shop at the white stores?

A No, I do not. I do not know of any other cooks that were threatened.

Q Do—are you a member of the NAACP, Mrs. Johnson?

A Say what?

Q Are you a member of the NAACP?

A Yes, I am.

Q When did you join?

A I first joined the NAACP in 1966.

Q I see. Have you been a member continuously since then?

A Well, recently I got behind, but I did join back.

Q Now were you a member of the NAACP when you went to work for MAP?

A Yes, I was.

Q Did your going to work for MAP affect in anyway your membership in the NAACP?

A No, it didn't.

Q Did they indicate to you that since you went to work for MAP that you couldn't belong to the NAACP?

A No, haven't nobody told me that I couldn't belong to the NAACP because I was working for MAP.

Q Did you observe the boycott?

A Yes, I observed the boycott, but not to threaten me. It was my own personal observance of the boycott.

Q You did this prior to going to work for MAP?

[15476] A I was doing it before I started working for MAP.

Q How did you observe the boycott?

A I just stayed out of the stores, because I had my own personal reasons to stay out of the stores. There were some things I really wanted, and the things I wanted were the right to vote, the right to have a title—Mrs. or Mr. or whatever I am, and not uncle or aunt, boy or girl. So that's what I wanted. And if I wanted a job—a qualified job, I wanted to have the opportunity to be hired. Not hired because I'm black or white, but just hired.

Q And this was your reason for observing the boycott?

A Yes, it was.

Q And you were in favor of the boycott?

A Yes, I was in favor of the boycott.

Q And it wasn't because somebody threatened you?

A No, it wasn't because nobody threatened me.

Q You weren't afraid?

A Was I afraid?

Q Yes.

A No, I was not afraid.

BY MR. CARTER:

No further questions.

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[CROSS-EXAMINATION]

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[15497] Q How do you feel about black people who didn't go along with the boycott?

A I think—the way I feel about it, it's a free world. If you don't want to go along with the boycott, that's yours.

Q You wouldn't want to be friends with them if they—
A I'd be friends with a lot of peoples that don't participate in the boycott.
Q Huh?
A I was friends and have good friends. They have their own life to live, and I have my life to live.
Q Are you talking about black people that didn't participate in the boycott?
A That's what I said. I have good friends that didn't participate in the boycott.
Q Did any of them ever tell you that they had been threatened about going in the white stores?
A No. Haven't none of them told me that.
[15498] Q Was it common knowledge that there was a lot of violence going on about the boycott being violated?
A Said, was it common knowledge?
Q Yes.
A I haven't seen no violence.
Q No, wasn't it generally known—
A Was it generally known?
Q From the people that if you violated the boycott, you might get hurt?
A No, I don't recall that.
Q You never heard any talk about that?
A No, I haven't.

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[Witness Leroy Percy]

[15541] DIRECT EXAMINATION

BY MR. ROYALS:

Q State your name, please, sir.
A Leroy Percy.
Q Where are you from, Mr. Percy?
A Greenville, Mississippi.

Q What is your occupation?

A I'm a cotton farmer.

Q How long have you lived in Greenville, Mississippi?

A Since 1932.

Q There's a fellow named Walker Percy who wrote a novel called *The Last Gentleman* and another novel called *Love in the Ruins.* I understand that he is your brother?

A Right. My older brother.

Q Are you familiar with an organization called Mississippi Action for Progress?

A Yes.

Q Have you ever been on the board of directors of that organization?

A Yes.

Q Are you presently on the Board of Directors?

A No.

Q When did you get off?

[15542] A I believe in '72.

* * * *

[CROSS-EXAMINATION]

* * * *

[15582] Q Now you had information, as I believe you have testified here, that the blacks were threatening the cooks and that there had been acts of violence in Claiborne County. And how can you reconcile the employment of a man like Calvin Williams, who led this boycott to begin with and was employed by MAP, with your policy that you wanted to stay neutral and not get involved in controversial issues?

BY MR. ROYALS:

Your Honor, the witness has answered this question three-twice that I know of already.

BY MR. PYLES:

He hasn't answered it. He asked questions—

BY THE COURT:

What was the answer, Mr. Royals?

BY MR. ROYALS:

He said that he didn't know, first of all, if Calvin Williams had been hired. He said he didn't vote on it himself and that—

A I don't recall voting on him.

BY MR. ROYALS:

And that he doesn't know.

BY MR. PYLES:

He didn't say he didn't know. I'm trying to ask him how he can reconcile that policy.

A This may assist in that. So far as I recall, [15583] there was no proof or no reason to believe that the officials, whomever they were—and I can't remember their names—Dorsey, Williams or whoever—were themselves ordering violence to be threatened or done. And I believe it was our feeling that some people who became involved in the movement and the boycott decided themselves to threaten violence. Not at the orders of their superiors. I'll say this, I don't recall Williams; I don't recall Dorsey. If I as a member had to vote on either one of them and thought that they had ordered their people to whip other people, I would have voted against them. Does this answer your question?

• • • •

[15592] Q You will agree that this does represent a change from the standard policy of MAP, does it not? They are now instead of being strictly neutral are getting on the side of the black merchant?

A You mean, this motion here?

Q Yes.

A Yes, I think this did vary from the policy, but I think the circumstances were what caused this variance.

Q What were those circumstances that cause a change in that policy?

A Because the black cooks were afraid to buy at the white stores.

Q You don't say or do you say that the black cooks were not afraid of anything that the white people were doing but of the other black people who were participating?

A I think they were afraid of violence and disapproval of their friends and their neighbors, and they just weren't going to buy from the white stores.

Q That's in the black community?

A Yes.

• • • •

[Witness Gloster B. Current]

[DIRECT TESTIMONY]

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[15615] Q Mr. Current, what is your relationship with the NAACP Field Directors?

A I am the immediate supervisor of the field staff.

Q How many field staff do you have in the United States?

A We have about ten now, ten members of the staff.

Q Who are out in the field out of the National office.

A Yes. Holding a variety of positions.

Q I see. There is at least one in a foreign country.

A Well, we have one that covers—no, there is no foreign country, except Germany, where we have three branches in the armed services. There is no field person directly attached to foreign services.

Q Do you have staff people in the state of Mississippi?

A We have a staff person in the state of Mississippi, known as a Field Director.

Q Is he your subordinate?

A Well, the answer is yes, if you don't mention any name.

[15616] Q Did Charles Evers ever hold that position?

A Yes.

Q And do you remember the dates that he worked for the NAACP?

A Approximately three or four days after the death of his brother, about the 17th or 20th of June 1963, until July '69.

Q I see. And were there any leave of absences during that period?

A Yes, two or three, for political purposes.

Q I see. Now, during the course of his employment, was it necessary—or as far as any Field Director is concerned, was it necessary for you to correspond with them?

A Yes. We have established procedure of monthly reports and, anything special, there is a two-way correspondence or verbal communications by phone.

Q I see. Now, during 1966 from the first of January 1966 until the first of January 1968, do your records indicate any correspondence with Charles Evers concerning a boycott in Port Gibson and Claiborne County, Mississippi?

A Well, I regret to say that our records as they are presently constituted reflect no correspondence with Mr. Evers, and that would probably be correct, because Mr. Evers was not very much of a correspondent.

Q Would you tell the Court what the relationship between the National and Charles Evers was during this period?

[15617] A In what respect?

Q Well, as you have already noticed, he has testified that he was in difficulty with the National office. Would you explain to the Court just what that difficulty was?

A Well, it's hard to interpret what you mean by difficulty. Mr. Evers was an independent-minded person, and that's a quality we expect in all field staff persons because we cannot directly supervise a man in the field.

We rely on his judgment to implement National policy as it exists and as the needs arise in his locality. We do expect communication reports and advice, advisements sought whenever something gets into the area involving the organization. Our relationship with Mr. Evers was unique in that we would read about his activities in the newspapers frequently or have inquiries made concerning them before we would hear from him. I gather he was quite busy and in that period he had to move pretty fast. That would account for it.

Q He testified that he was called to New York concerning some action that he had taken. Would you explain to the Court what happened in that situation?

A As near as I can recall, he was suspended once by Mr. Wilkins for contravention of policy with regard to endorsement of a candidate. Mr. Evers worked in the Bobby Kennedy campaign, traveled with him, made speeches against a then New York state Senator Keating, and this was somewhat embarrassing to the National organization and in contravention of the policy which prohibits staff members, [15618] including Mr. Wilkins, from endorsing a political party or a candidate. Ours is a non-profit and a non-partisan organization, and we scrupulously avoid engaging in political activity on either side. And Mr. Evers found it convenient to work for Kennedy publicly and openly, and that was the reason why he was called to New York, as I recall.

Q Did it have anything to do with the boycott?

A No.

Q Have you ever discussed the boycott with Mr. Evers on any occasion?

A I cannot truthfully say that I've discussed this particular boycott with him on any occasion. He, as others, was cautioned as to the NAACP policy on selective buying and on patronage and on direct action activities, to at all times consult with the National office, and that would be the Legal Department.

Q Now, are you saying that the National does not approve of boycotts or picketing or things of that nature?

A We do not approve of engaging in any kind of activity which is illegal. We do approve of activities in conformity with the First Amendment, rather freedom of speech, assembly and such; picketing within guidelines which are in the manual and which we lay down. Picketing varies from locale to locale, the number of pickets, the manner in which the manual has to be used. All of this information is supplied staff and volunteer leaders, and we try to admonish them to abide by the advice. Now, with reference to this particular incident, I must say that I [15619] do not recall discussing this directly with Mr. Evers.

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Q In 1966, could you tell the Court how many members there were in the state of Mississippi?

A Yes. According to a note from our files, we had 9,794.

Q In what year?

A In 1966.

Q And how many was it in '65?

A I really can't give you that figure. It would be somewhat similar. I have only from '66 up to the present time.

I see. How many members did you have in 1969?

A In '69, the membership had climbed to 15,223.

Q And in 1970, what did the membership go to?

A Membership dropped to 8,276.

Q What do you attribute that drop to?

A The traumatic reaction to the action here represented, the lawsuit, the pressure upon the funds, et cetera, and the pressure.

• • • •

[15621] Q Does the occasion ever arise for the National to send money to the branches?

A Yes. And National sends a lot of money to the state.

Q Would you explain to the Court how this occurs? [15622] A Well, we have maintained a state operation, the employment and payment of a Field Director, his secretary, his office rent. The entire Mississippi operation is paid for by the National organization.

Q Now, is it paid for by depositing money in a Mississippi bank and then writing checks on the account, or are those salaries and rents and what-not paid directly from the National office?

A Those salaries and rents are paid directly from the National office to the parties involved, the employees and the landlords, et cetera, and the telephone company, Southern Bell. I can testify to that because I'm the one they call when we owe them.

* * * *

[15624] Does the NAACP receive any funds from anything [15625] other than memberships?

A Yes.

Q And what would that be?

A Well, generally around the nation we might receive some legacies. We would receive funds from money raised by branches and state conferences over and above memberships, in terms of special purpose, National purpose. We would receive contributions from well-wishers and organizations and church groups, labor unions, other groups that are interested in the program, not much. Primarily the NAACP budget comes from the membership. About 90 percent of it comes from the members themselves.

Q I see. And what does the membership get for their dues?

A The individual member gets nothing except that he's a member of a class in which the activities of the organization benefit him. The legal actions of the Association through the years have been class suits. And the improved economic status of black Americans results largely from the work of this organization in many fields.

Thus an individual member has supported that by being a member. A member also gets improvement in his local situation pertaining to civil rights and political involvement.

Q Does the NAACP membership entitle someone to legal representation individually?

A No, Counselor. That's one of the problems, you know. Membership does not automatically entitle a person to being represented. In other words, we do not supply direct legal representation. However, whether a [15626] person is a member or a non-member, if he applies to a local branch or any other unit for representation in a matter in which the rights of a group or an individual have been abrogated, he could count upon the NAACP investigating that, and if it found it was a case for the organization becoming involved, whether he was a member or not.

Q Do you know of any instances in Claiborne County or Mississippi where the National office provided legal representation for anyone in the state of Mississippi individually?

A Well, I'm not sure that I could answer that directly. I would say yes, we did provide legal assistance to the State President in several matters in which he was involved, all the way up to the Supreme Court, as I recall.

Q Do you recall whether National provided legal representation for anyone in Port Gibson or Claiborne County during the years 1966 through 1969?

A I don't recall without—the National, I would say no. The state conference may have or the local branch may have. But we did not provide any direct assistance to Claiborne County. We do have retained here a lawyer, Jack Young, and he would be in a better position to answer that.

Q Is there any other retained lawyer in the state of Mississippi other than Mr. Young?

A Not regularly retained, no.

Q Do you retain lawyers in other states over this country?

[15627] A A few. But not on the same basis as we have in Mississippi. Here again is a unique situation. Mr. Young has been on retainers for many years. I don't know any other state that had that same operation. We've had private counsel. We've had some retained, but not regularly retained.

Q Do you know whether or not Mr. Young ever went down to Port Gibson or Claiborne County to represent anybody?

A Of my own knowledge, I can't testify to that, but I would rather suspect that he may have. I know he has traveled the whole state and frequently represented persons involved in civil rights activities connected with the NAACP.

Q I see. Do you know whether or not the NAACP has posted any bonds for persons who were arrested in Mississippi?

A Yes. We have posted considerable bonds and forfeited considerable bonds in this state.

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[CROSS-EXAMINATION]

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[15630] Q Do you know Mr. Rudy Shields?

[15631] A I have met him.

Q Would you say that Mr. Shields' reputation is generally known throughout the United States among people who are familiar with the black movement?

A Fairly well known. I know him better than that perhaps because I have met him on two or three occasions in Mississippi.

Q Was Mr. Shields an employee of the NAACP during the years 1966 up to the present time at any time that you know of?

A Mr. Shields has never been an employee of the NAACP.

Q Who exercises control over Mr. Shields when he is in a community, as far as you know, and in a situation where the NAACP is involved?

A Well, this is my observation of Mr. Shields, that he is an independently motivated person who operated on his own. Certainly the NAACP National Organization and the state organization, to the best of my knowledge, never employed him to do anything for us. However, he did engage in certain activities in the state and still is a resident of the state. But he is not directly connected with our organization.

Q Did you have any control over his functions and what he did and what he didn't do?

A No.

Q Do you know what his relationship was with Mr. Evers?

A I can't directly testify. I'm sure they knew each other. It was Mr. Evers who introduced me to Mr. Shields. [15632] But beyond that, I can't say.

Q Do you know whether Mr. Evers had any control over Mr. Shields' activities?

A I do not know.

Q Would it be a fair statement, based on your knowledge of Mr. Shields, to say that he really didn't pay any attention to the control of anyone when he engaged in these activities?

• • • •

[15633] BY MR. ROYALS (Continuing):

Q I was trying to get to the point of whether you're familiar with how Mr. Shields operates. You know, some of these people operate in kind of a strange and [15634] unorthodox manner. Do you know how it is that Mr. Shields takes care of himself and what he does and who he answers to when he gets involved in one of these campaigns? That's what I'm trying to get at.

A It's been some time since I've seen Mr. Shields; but on the one or two occasions that I did see him and talk

with him and had others to mention his activities, I would consider him to be somewhat of a maverick, a person who was interested in, involved in activities, seeking to bring about a cessation of discriminatory activities in an area, certainly an advocate of direct action, of protest procedures of various types. He was not responsive to, as I could gather and judge, any kind of discipline that an organization such as the NAACP would impose upon its participants. He was a loner, if I might use that expression.

Q And would it then be fair to say that he conducted himself in the way that he saw fit without answering to anyone?

A Yes.

• • • •

[15639] Q Without divulging in any detail, does the retainer Mr. Young has with the NAACP include the defense of individual cases or handling NAACP matters in regard to the service of process and so forth?

A Well, it depends on how Mr. Young views his role. It has been sort of a loosly-drawn [sic] agreement through the years. On occasions he has represented persons on misdemeanors and has been associated with counsel in broader trials. It's been a pretty broad relationship. He has gone to places throughout the state to investigate matters and has been in consultation with local officials, judges and others, to obtain release on bond or personal recognizance of individuals arrested.

Q Now, in instances where he does that kind of a thing, does he do that at the direction of the National?

A Well, he does that under a general arrangement with the National that he is our lawyer in Mississippi. And he would be the person who would make the determination as to whether this is something that we should be concerned with or in.

[15640] Q And in those instances, does he confer with you in the National office or someone else?

A Usually with the general counsel. If it's a branch matter in which he finds that there is some need for the Department of Branches to become interested, he might relay that to me. But usually his contact is directly with the Legal Department.

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[15643] Q Are there instances where your local branches would have holdings of real estate?

A Well, by vote of the National Board in the '40's—because I was involved then as Executive Secretary of the charter branch—branches were not permitted to hold property in their name or to purchase property. So to the best of my knowledge, there would be no branches holding real estate or property in their own name.

Q Do I understand you to say that there is a policy from the National against branches holding real property?

A Well, it's discouraged. Many branches would like to buy a building, and you get into a lot of problems with that. In the manual, I believe there is something to that effect, which indicates about ownership of property.

Q Do I understand then your answer is that is a policy from the National to the branches against the ownership of real property?

A I would have to refresh my memory on it. In general, we discourage the ownership of real property by [15644] branches. Even where legacies are concerned, usually these legacies are in the name of the parent father, but there are ways in which perhaps the local branch might come into some type of property, but it would be extremely unlikely. Certainly we don't encourage it. And we would attempt to discourage it. That's the best answer I can give you on that. Because unless I can refresh my memory about the policy, I know that we do not desire them to own property.

• • • •

[15645] Is it your prerogative or your duties within the purview of supervising the various field representatives over the United States?

A Yes, the employed representatives.

Q Yes. Specifically, prior to his death, you were the immediate supervisor of Mr. Medgar Evers, weren't you?

A Yes.

Q And following his death, he was replaced by his brother, Mr. Charles Evers, wasn't he?

A Yes.

Q And you were certainly aware of Mr. Charles Evers' employment, weren't you?

A Yes.

Q Did you actually employ Mr. Charles Evers?

A Well, Mrs. Ruby Hurley made the initial discussion with Mr. Evers, and he was actually employed by Mr. Roy Wilkins, who employs all of us.

Q You knew about his employment, of course.

A I did.

Q And after his employment, was he given any special training or instruction in the National office?

A I can't recall that Mr. Evers ever received the same type of formal in-service training that Field Directors receive, primarily because he came into the work upon the death of his brother at a very difficult time for all of us, and he volunteered to assume the position that his brother had had to surrender because of death. And at [15646] that time, if you're familiar with the climate and the situation in Jackson, there would not have been time for that to take place. We needed someone immediately. He was willing to assume it. It was a courageous act on his part to give up his livelihood in another city and come back home.

Q I believe he was in Chicago at the time that this occurred, wasn't he?

A That is correct.

Q And he moved into Mississippi and Mrs. Hurley recommended him and Mr. Wilkins then hired him?

A Yes.

(There was an off-the-record discussion.)

Q Broadly speaking, what were Mr. Charles Evers' duties when he was retained?

A He was retained as a Field Director for the state of Mississippi to serve as the person in charge of the branches throughout the state, visit with them and advise them, to investigate cases referred to the state office, and to generally carry out and implement the programs and policies of the NAACP in this state.

Q Among other things, was he expected to organize new branches as the occasion might present itself?

A Yes. And he did that quite well.

* * * *

[15654] Q What I have specific reference to, Mr. Current, is in the copy which you supplied to me, under Article I, Section 2, there is an underlining of the last sentence there, which was in existence, that is, the underlining was in existence when you handed the copy to me to be introduced in evidence.

A That's my underlining. I underlined that.

Q So it does provide, sir, that "the State Conference shall be subjected to the general authority of the National Board of Directors and shall work in conformity with the principles and policies of the National Association", doesn't it?

A That language is in every constitution.

Q Matter of fact, that sort of language, that word "shall" runs through all of the constitutions and with specific emphasis as to the branches and the youth councils, doesn't it?

A Yes. I'm smiling because the word "shall" is almost meaningless in its execution. It's in there, that's true, and it does carry the implication of force that they

must abide by. However, I would say that is breached more than it's observed.

Q Well, the right to have these things done [15655] exists by virtue of these constitutions, whether the right is exercised or not.

A Correct.

Q Now, you were discussing the general policy of the National Association, and specifically with reference to Exhibit D-9, which is your Handbook of Civil Rights. I ask you with reference to Part 12 whether or not this was written or revised as a result of the outcome of the Overstreet hearing in Georgia.

A Well, I think I'm familiar with Overstreet.

Q Yes, sir.

A I would have to answer that question and say no and qualify it.

Q All right.

A There was always a difference of opinion among lawyers in the Association about this type of activity. Mr. Marshall, who now sits on the Bench, was one who didn't—and most lawyers that I know did not agree with the idea of boycotting. As long as I have been associated with National and with the Detroit branch, with which I was Executive for five years, it was our feeling about boycotts and restraint of trade that the Association should not engage in them, the branches should not, and advisement was always given in that particular. However, protest activities, picketing, negotiations, consultations and efforts to bring about reduction in discrimination by whatever legal means was available was always encouraged. The term "boycott" was always avoided, in the first place, because it suggested an illegal activity. The change does [15656] not, to my knowledge, take place recently, if that's what you're driving at involving Overstreet. Overstreet was a peculiar case that arose in Savannah. The branch was only peripherally involved. The State Conference, I believe, was released from the action as a participant. Judgment was obtained against

the National organization, which had nothing whatsoever to do with that case in any particular, except that they were able to get judgment against the parent party for an act, so-called, over which it had no control, because we were exercising the "shall" portion. And if all particulars had been observed, Oversteet would have never occurred.

Q Do I understand you to say that it has been the policy of the National to stay away from boycotts and to avoid the use of that term wherever possible?

A Absolutely.

* * * *

[15690] Q Mr. Current, there were a number of boycotts that took place in Mississippi from 1963 through 1969 and which were initiated by the NAACP chapters, weren't there?

A Well, there were a number of protest actions, demonstrations, efforts to remedy policies in Mississippi in a number of cities. Whether you would call them all boycotts, I'm not really able to say, unless you specify the ones that you have reference to.

Q All right, sir, I'll do that. Are you familiar with a boycott brought in Clarksdale, Mississippi through the sponsorship of that branch, the Coahoma County branch, led by Dr. Henry, Aaron Henry in 1963?

A Dr. Henry was engaged in many, many actions.

Q Yes, sir. And many boycotts, wasn't he?

A Well, you term them boycotts. Perhaps he called them selective buying. But many, many, many actions in and around Coahoma County that might fall in this category.

Q Did he get clearance from the National office on those before he proceeded with them?

A No. As State President and President of the Coahoma County branch, he would engage in whatever action that the branch called for.

Q Even in view of your policy as set forth in your NAACP Civil Rights Handbook that's been introduced this morning?

A Yes. Let me explain how branches operate.

Q All right, sir.

[15691] A There is general knowledge by NAACP leaders of the program and policy of the organization. And they would apply it as they understand it in a given situation, after discussion, after negotiations, and without consultation with the National unless it was breaking new ground or something in which they felt the need for certain advice which would not be available to them in the state. But in this state we had a very good legal representation available to them. So it would appear to me that any action taken by Aaron Henry would have been in consultation with or after consultation with Jack Young.

Q So whatever Mr. Henry decided to do, you would assume would have been done after discussion with the legal counsel here. Is that right?

A That's an assumption I would make.

Q And, therefore, would not be in contradiction of Part 12 of your Civil Rights Handbook. Is that correct?

A Correct.

Q Now, were you aware that Aaron Henry was in Port Gibson, Mississippi in 1969 and participated in a march in support of the boycott then?

A No. But I would imagine that if he were invited to speak or in some manner assist the local branch in an activity, that he certainly would have been there.

Q And this would not have been in contravention of your policy, as I understand your testimony.

A No.

[15692] Q In other words, the Mississippi State Association was allowed to do pretty much as it saw fit so long as it didn't get too far out of line, wasn't it?

A I think that's correct.

Q And you didn't bother yourself too much about Mississippi for you felt that Aaron Henry and your

leadership in Mississippi, you felt it was being supported by strong leadership and intelligent leadership with good legal counsel.

A Yes.

• • • •

[15703] Q And in 1970, they had a rather severe drop again, didn't they?

A Well, that's a very large drop; which if you plot it on a curve, you can see it's extraordinary.

Q Yes, sir.

A So if there was a normal fluctuation up and down in membership, why would this take place? And I related it earlier to the impact of the suit or the legal action.

Q Between '69 and '70.

A Yes.

Q In 1971, it dropped again about 50 percent, didn't it?

A Well, yes.

Q And in 1972, it came back up about 50 percent, [15704] didn't it?

A Yes.

Q Little more than 50 percent, didn't it? No, not quite, but approximately.

A Not quite.

Q And in 1973, it dropped back down again, didn't it?

A Yes. And you would have to, in plotting these rises and declines, ascribe some of it to leadership factors as well as other factors. I'd have to examine in detail. But the drop between '69 and '70 was experienced by what happened in terms of this particular suit, and that corresponds to the drop for the entire state, which went from 15,223 to 8,276. And then thereafter we slowly began to recover throughout the state despite the fact that this action had been existent.

Q Yes, sir. So in 1973, you were back to 12,000 members, in round figures.

A Yes. And another factor there is that in '72 we have a new Field Director, Dr. Burns. The work has been

proceeding throughout the state with new vigor, and the climate in Mississippi is much improved, much, much improved. This would have some reason for it.

Q Do you know or have any independent recollection of an occasion when Mr. Evers was cited to show cause before a body or a committee or some group of the National of the NAACP in Birmingham, Alabama?

A I don't recall any formal citation to Mr. Evers to appear before a group. To the best of my recollection, this possibly was in '66. That was when we [15705] had a special convention in Birmingham, which was in September, I think, '66, ordained by the National Convention to meet there. Some of Mr. Evers' statements, and more so than his activities, which were interpreted as being at variance with policy, elicited reprimands from the Executive Director. And it might have been that he was under some threat of internal disciplinary measures.

Q You don't recall that he was. This is your surmise?

A No. I'm pretty fairly certain that he felt threatened. I would rather believe that he voluntarily showed up in Birmingham with a group of people in support of his activities.

Q Do you recall that he did show up over there with two busloads of people?

A I don't recall two busloads, but I recall that some people were there.

Q You are advised that he has so testified, aren't you?

A No, I'm not really. I'm telling you, since you bring up this information, that Mr. Evers' relationship with the National leadership, Mr. Wilkins and me, his immediate superior, was always one of interest and uniqueness. But the job he did was certainly a good one and the public in Mississippi liked him very well. Therefore, you don't deal with that type of employee the same way you would deal with another who observes all of the rules and all the regulations and dots his "I's" and crosses his "T's.". He didn't dot "I's" and cross "T's".

[15706] Q But he got a job done.

A But he got a job done. So he lived with us and we lived with him.

Q You kind of bent, as the twig grew. You bent with the twig, didn't you?

A Well, I guess you could put it that way.

Q Yes, sir. I believe you testified on direct examination that Mr. Evers was suspended for his political activity during the Bobby Kennedy campaign.

A Yes.

Q Now, when was that?

A Well, that would have been shortly after he joined the staff. Joined the staff in '63. I believe it would have been in '64 sometime.

Q Did I understand you that he stayed with the Association in his capacity as Field Director until—

A —'69.

Q —'69. And it was rather late in '69, wasn't it, when he left?

A July of '69.

Q July?

A Yes. But he was on leave several times during '68.

Q On leave for what purpose?

A Well, campaigning. I think he ran for office, some office.

Q Ran for Congress one time, didn't he?

A He ran for office. I'm not sure exactly what office.

Q And when he ran for office, he would have to go [15707] on leave.

A He took a leave.

Q How long a period of time was he on leave? Have you got his work record there?

A No, I don't have that type record, but he went off the payroll. Let's see. I have a note here from Mr. Wilkins to the Chief Accountant, and this had to do with his restoration to the payroll.

Q His restoration?

A Yeah.

Q When did he come back on?

A He came back March 13th, '68. This was during an election campaign to fill the unexpired Congressional term in the Mississippi 3rd District. And when that was over sometime in March, we restored him to the payroll. And then there is another memorandum here, so apparently there was another campaign, from me to the Chief Accountant that I had been informed that as of June 10th he had resumed his duties as Field Director in Mississippi. He had at least two leaves.

Q That was June 10th of what year?

A Of '68. At least two leaves in that particular year.

Q In that one year.

A Yes.

Q Is that all you have any notations of?

A That's all I have notations on.

Q And when he went off the payroll in July of '69 was when he became the Mayor of the town of Fayette. [15708] A Fayette, right.

Q Referring again to your Constitution and By-Laws of your branches, Exhibit C-40, on page 26 again, there is a provision in there under Section 2 that the National Board can call up an individual member and either expell him or admonish him, isn't there, or reprimand him in some manner?

A Well, let me say, sir, Since 1946, it's been my job to prosecute people in this particular respect, and we have never brought up any member under the inimical clause.

Q You have a right to do it.

A We have a right to do it.

Q Yes, sir.

A And I would also like to say that only upon the filing of a complaint by three or more members in good standing would this procedure proceed. And you get into substantially what you have here, court hearings, stenographers, lawyers on both sides. This is in there, but it's very, very seldom invoked.

Q You wouldn't deny, sir, I'm sure, that as you would go through Exhibit C-40, which is your Constitution and By-Laws of a branch, that on every page the word "shall" appears at least once and sometimes as many as 15 times, would you?

A No, I wouldn't deny that.

Q And these are the requirements that are set out for the branches to operate under, as set forth by the National office, aren't they?

[15709] A Right. Correct.

* * * *

[15713] Q Yes, sir. Are you aware that Mr. Evers wrote a book called "Evers"?

A Yes.

Q Have you read it?

A I would think that I've read it. I can't say that I digested it, but I scanned it.

Q In that book, he referred to the boycott in Port Gibson in great detail, didn't he?

A That's right.

Q And he mentioned having been armed.

A Armed?

Q Armed. And the use of weapons, if necessary, including hand grenades, didn't he?

A In the book?

Q Yes, sir.

A Mr. Evers did not write the book.

Q Well, it's got his name on it.

A He dictated it to somebody, or he had a ghost-writer.

Q Well, sir, he admitted the book when we had him on the stand.

A Is that so?

Q Did you know that?

[15714] A I cannot understand why I would have to even corrobotate [sic] what's in the book because, if it's there, it's there.

Q If you read it, do you disagree with what the book contained?

A I can't recall. I disagree with some things that I recall are in the book, yes.

Q What, in particular?

A Well, there are some things in the book that were purely personal. There were some things that seemed to be farfetched, and perhaps some things that were true.

Q Sir, on page 9 of his book, he refers to "we"—meaning I don't know whom other than the organization he represented and himself—and he said as follows: "Sometimes we had to discipline our own people, just like Mama did with us."

A In what context, sir?

Q In connection with the boycott.

A In Port Gibson?

Q Yes, sir. Well, all boycotts. "Tan them a little bit. Nothing wrong with disciplining your own family. I'm not saying we beat anybody up. We took care of them in a way they understood. People would catch them coming out of an uncooperative store and take their bags away from them, destroy the bags. While they were paying to keep us in slavery. Or a motor would lock on a car. There might be a bit of sugar in the gas tank. Then occasionally maybe somebody—I didn't do it—but somebody would send a brickbat through a window around midnight with [15715] a telegram saying, 'You shopped at such and such a place.'" Now, was this the policy of the NAACP?

A Absolutely not.

BY MR. CARTER:

I object, Your Honor. The book is in evidence. Mr. Evers has testified to it. And just because he said it, and even if he did say it, I can't see where this has anything to do with the testimony of Mr. Current.

BY THE COURT:

He simply asked him if this was the policy of the NAACP. Now, let's go back and reconstruct this thing. Charles Evers was hired by the National office as the Field Representative or the Field Secretary for the entire state of Mississippi for the NAACP. According to Mr. Current's testimony, he held such office at the time the Port Gibson boycott began and for some time during its existence until about July 1969, I believe. This book was written, as I understand it about that boycott. He used the term "we". He was representing the NAACP at that time. And I think your question was fairly asked to Mr. Current or of Mr. Current, is this NAACP policy, and I think he should answer the question. The objection is overruled.

A Yes. That is not—the words of Mr. Evers in that book do not constitute NAACP policy. We had nothing [15716] to do with the writing of the book, did not see it in draft or until it was published. The policy statement which imputes the use of violence is totally at variance with all advise [sic] that has ever been given to NAACP leaders, staff people. We certainly would never have condoned any type of pressure on persons to participate in this kind of action, by staff member, by the State President or by any others. The book, of course, was written to sell. And there is a lot of exaggeration in there, in the book, editorial license you might call it, written at a time he was getting ready to campaign for something; some confessions that ought not to have appeared in a book. I see no relationship of the book to National NAACP policy. And at the time of its writing, I don't believe he was on the staff.

Q Yes, sir. But he was writing about incidents that did occur while he was employed by the NAACP, wasn't he?

A Right. And about incidents in a vein in which he knew that they were not condoned and, if true, would not have been supported by the National organization.

Q Let me ask you this, sir. Has the National organization or any of its officers officially denounced this or disavowed these statements Mr. Evers has made in his book?

A I don't recall that we have made an issue of the book.

Q Yes, sir. You just kind of wish the book would blow off and go away somewhere, don't you?

* * * *

[15736] Q Now, on page 132, Mr. Evers, in commenting on his activities in the boycott in Natchez, Mississippi, stated, and I quote: "We had guns and hand grenades and everything it took to work with, and we meant to use them if we had to." Are you familiar with that statement [15737] in the book?

A No, I'm not familiar with that statement in the book.

Q Were you aware that Mr. Evers had arms here in Mississippi that he intended to use if he had to?

A He never discussed such with us. I'm unaware of any armaments that Mr. Evers had. I do know that he had to have guards around his house to protect him from the same type of fate that his brother suffered. And it is possible that in his trips around the state he had protection. But for that precise statement, I'm not familiar with it.

Q The National never disavowed this statement in any way, did it?

A No. We would consider that a question of self-defense might be more implied there than a violent approach to redressing the wrongs there.

Q Very well, sir. On page 134 of his book, in commeeting on the Natchez boycott, Mr. Evers stated, and I quote: "We had our protective squad. We had all our own guns. We didn't go around bragging about it, but

we were ready to enforce those boycotts, to die if necessary, and they knew we were ready and we'd do it all over."

A Are you speaking about Natchez now?

Q Yes, sir.

Q [sic] Are you familiar with—well, let me just positively state that Natchez is the area in which several NAACP persons died or were bombed and maimed. It would be understandable if there was some protection on the part [15738] of those in terms of self defense.

Q Sir, may I call your attention to this one part of that quote that I gave you? "We were ready to enforce the boycotts, to die if necessary." This is in relationship to the weaponry that he said that they had. Did you ever disavow that?

A We never disavowed the book. We did not have any knowledge of weaponry that was involved in the activity, but we do have knowledge of Wallace Jackson and of Metcalf and persons who were seeking to redress grievances dying or being maimed in that area.

Q There were two people specifically of the black race who were injured. One was killed and the other one was injured. Is that correct?

A Yes.

Q One of them was named Metcalf and the other one was named Jackson.

A Jackson.

Q So those are the "several" that you mentioned that had received injury or death in Natchez, aren't they?

A Those are the two that immediately come to mind.

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[15741] BY MR. SHELL:

We offer in evidence the article from the Charleston News and Courier of July the 8th, 1963 at this time.

BY THE COURT:

Let it be received and marked as Exhibit C-87.

(Said July 8, 1963 Charleston News and Courier article entitled "Negroes Hear Roy Wilkins, Then State Orderly March" was marked EXHIBIT C-87 to the testimony of Gloster Current, it was received in evidence, and is as follows:)

* * * *

[15743] BY MR. CARTER:

Court please, we will object to all of these. There is no reference to Port Gibson at all.

BY THE COURT:

Let's get on with what the witness has to say about them or whether he can identify them as being in any of them.

BY MR. SHELL (Continuing):

Q Mr. Current, I hand you a series of newspaper clippings covering a period, I believe, from about 1963 through 1969, and ask you if this is the type information that was made available to you or you learned about in connection with various boycotts going on in Mississippi during that period.

BY THE COURT:

Mr. Current, let me clear one matter up here so you won't be laboring under any misapprehensions on it. The testimony has tended to be to the effect that nobody communicated with you or with the National office regarding this selective buying campaign or boycott, if you will, in Port Gibson, Mississippi. And then there has been quite a discussion about boycotts or selective buying campaigns in general. And I think that the thing that counsel is doing here by cross-examination is to ascertain the attitude of the National office to matters of this type.

[15744] Now, you have testified just a few moments ago that usually the way you found out about

these things was to read them in the newspaper. You said that they were read in the newspaper and that the NAACP National office did have a clipping service, but that sometimes these things got to you late. But the thing that we're trying to find out here now, I feel sure what's in counsel's mind here is the attitude and knowledge. Now, whether or not anything in these articles is true is something that's beside the point. What counsel is asking here now is that these articles be admitted in evidence in toto, that is, as a composite, as being representative vel non, or not, of the type of information that you received in National headquarters. And that's exactly what he's doing here at this point. I don't think he is asking you whether or not each and every one of these things is true. And it's just simply to find out if this was the type of thing that you received which you got your information from. All right.

A In responding to that question—

BY THE COURT:

I'm not asking the question. I was simply explaining it.

A I appreciate that, Your Honor.

[15745] BY THE COURT:

The reason I said that is because I don't want you to be laboring under the apprehension that this Court would take each and every line in each and every one of those articles as being true. That's not the purpose at all.

A Thank you. I appreciate the clarification. I was going to ask counsel, if I could, with respect to, for example, the last clipping he brought forth, I think that it should clarify for all concerned the manner in which we participated and the advice which was given during the course of such participation. For example, Mr. Wilkins, in the Charleston News and Courier, who parti-

cipated in the demonstration down Main Street, made it clear that we would not advocate violence and that any demonstration would have to be within legality. And I'm certain that even in these clippings which report on NAACP local branch activity, they would be in line with what's in the Charleston clipping, in response to a reporter, that these are locally initiated and sponsored. And always we would advise nonviolence and without any effort to intimidate or harass.

Q My question, sir, was the group of clippings which I've handed you, are they rather typical of the type of information that would be brought to your attention as to boycotts being conducted in the state of Mississippi during that period of time from 1963 to 1969.

A These are typical.

• • • •

[15752] Q Mr. Current, when these matters would be called to your attention, did you in any manner contact the several branches that were involved or were purported to be involved and call to their attention part 12 of your NAACP Civil Rights Handbook heretofore introduced in evidence to them?

A Specifically with respect to these clippings and reports, I would suggest that we did not. Frequently, at least in two ways, at the state conferences and regional conferences, spring and fall, and sometimes at annual conventions, the whole question of direct action tactics would be reviewed, and also general memoranda would be sent to branches from time to time, advising them what not to do and to avoid certain things. This is done periodically.

Q Did you in any specific instance in Mississippi suggest or require that the local branch contact your attorney in Mississippi, Jack Young, or refer the matter to your legal counsel in the National headquarters to determine the legality of their action?

A We have only said to the Mississippi branches—and they have had a unique advantage over many others because they have a resident counsel—that they were to consult with counsel before engaging in any types of activity, seeking his advice. In fact, counsel here has had an even more responsive connection because he has generally met with the state conferences when they meet and has been available for counsel.

[15753] Q Is it your impression that as many boycotts suggested as having taken place in Mississippi during this period of time were all cleared with Mr. Young before the boycotts were begun?

A No, I would not want to suggest that. I would have hoped that, but it's quite likely that many of them were not.

Q Matter of fact, you rather strongly suspect that many of them just went out on their own and started these boycotts, don't you?

A Well, I don't like the word "boycott" because most of these actions were demonstrations, protests, picketing. Direct action protests would be more in keeping with what took place, often remedial by such means without the necessity for any further activity.

Q You were interrogated earlier today with reference to funds which came into the hands of the various local branches, and I believe your testimony was that you shared only in the membership fees to the extent of $2 out of every $4 that was collected for each member on a regular member. Of course, on a youth member, it's a smaller amount of money, isn't it?

A Yes.

Q Now, isn't there also a requirement that in the event there are special campaigns to raise funds for any purpose in connection with the NAACP, there must be clearance with National and an allocation made between National and the local branch as to the division of those funds?

[15754] A Well, that's not a correct statement of that particular paragraph in that it would not have to be

clearance with the National prior to sponsorship of a fund-raising activity.

Q Yes, sir.

A It is required that half of the net proceeds for any fund-raising, entertainment or other effort locally be shared, except where such activity is for a National purpose, which is rare. In actuality, there are not too many such affairs held and that's not observed strictly nor do we have any way of really enforcing that.

• • • •

[15762] Q You have testified that there was absolutely no fund or there were no funds of National in the state of Mississippi. Now, reflecting on that a moment, would you not agree with me that that isn't necessarily true for as new members come in and before there are transmittals or remittals to National, half of that money of the membership belongs to you in the National, doesn't it?

A Yes, I would say that's true.

Q And you really don't know from day to day how much you've got in the state in these bank accounts that may be in the name of the branch but as to which you have a right to 50 percent by virtue of your membership. Isn't that right?

A That's true, yes.

Q Now, the entire operation in Mississippi, as I understood your testimony, the cost of it is borne by National.

A Just about, yes.

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SUPREME COURT OF THE UNITED STATES

No. 81-202

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *et al.*,
Petitioners,

v.

CLAIBORNE HARDWARE COMPANY, *et al.*

ORDER ALLOWING CERTIORARI

Filed November 9, 1981

The petition herein for a writ of certiorari to the Supreme Court of the State of Mississippi is granted. The case is set for oral argument in tandem with case No. 81-280, *General Building Contractors Association, Inc.* v. *Pennsylvania* and related cases. Justice Marshall took no part in the consideration or decision of this petition.